



Gail Harmon

August 18, 2009; September 23, 2009; October 13, 2009;
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ABA Senior Lawyers Division
Women Trailblazers in the Law

ORAL HISTORY
of
GAIL HARMON

Interviewer: Judy Feigin

Dates of Interviews:

August 18, 2009
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**ORAL HISTORY OF GAIL HARMON
SESSION ONE
AUGUST 18, 2009**

This is the first oral history session with Gail Harmon for the Women Trailblazers in the Law Project of the American Bar Association. It is August 18, 2009. We are in Gail Harmon's law office in Washington, DC and the interviewer is Judy Feigin.

Ms. Feigin: Good afternoon and let's just set the time and place. Where and when you were born?

Ms. Harmon: I was born in Kansas City, Kansas, March 15, 1943.

Ms. Feigin: I'd like to go over your family history and let's go back as far as you know to the beginning of it.

Ms. Harmon: Sure. My mother's family came to this country pretty early -- in the 1700s -- to Virginia and then gradually made their way west to Kansas City. I have a relative who is not a direct ancestor but a collateral ancestor who was born in Philadelphia on July 4, 1776 and she is buried in Kansas City. They went out to Kansas City very early when it was a cow town. They were surprisingly well educated. I will get to my most famous relative in a second. My great-great-grandfather's brother started one of the colleges near Kansas City, which was William Jewell, and had books in his house that were both in Latin and Greek. He was a minister and ministers were among the better educated people at that period of time. Now the most famous thing about him is his son. His son was Jesse James. [LAUGHTER]

Robert James ran off to the gold rush in 1848. Left a very disagreeable wife and a couple of young children. And the very disagreeable wife was an

intense Southern sympathizer and pretty unstable emotionally. And Jesse and Frank were raised for a while by my great-great-grandfather. But she took them away because she thought he was too tough on them. And of course Jesse was a great embarrassment to my family because my great-great-grandfather and his children were not Southern sympathizers. Their mental and emotional allegiance was with the North. They were very interested in education even though they were living in this cow town.

The most remarkable person in that family is the wife of my great-grandfather who in the time of the Civil War went to Vassar on a scholarship from her Baptist church. Both her family and my great-great-grandfather's family were very involved in the Baptist church which was not what we think of as a Baptist church. It was a liberal church then. Ralph Waldo Emerson was an invited lecturer. They took an entirely different emotional and intellectual approach to Christianity than what we think of as the fundamentalist Southern Baptist. And this woman, Fannie Shouse, took a stagecoach to get to the train and then on to Vassar. I, of course, never knew her but she was considered remarkable by anyone of that era. Supposedly she was such a fast reader that she could read the pages of a book within the time it took to turn the pages.

My great-great-grandfather had started a china store and a sort of dry goods store. Over the years it became a fine china store and the family continued in the business until the 1950s.

My father's family, the name is McGreevy, came from Ireland in the 1840s and settled in Ohio. We have pictures of this huge Irish family looking

quite dour. My grandfather was born in a sod house in Great Bend, Kansas, and left the farm and the Catholic church as a teenager, and went off to seek his fortune. He had gone to a Normal School which was the term for a teachers college on the frontier. As a fairly young man he was involved in bookselling in the southern Midwest, around Texas and places like that, and somehow ended up as the highest placed person in what was then called Harper Brothers, which is now Harper Collins, who was not either a Harper or married to a Harper. He realized therefore that he had no future, [LAUGHTER] so he left New York and came back to Kansas City and started a stock brokerage firm.

He had lost the middle three fingers of his right hand in an accident with a threshing machine when he was a child on the farm. So it was very, very hard for him to hold a pencil. In the brokerage business he had to be able to do mathematical calculations and of course they didn't have computers to make it easier. The story is that he could multiply any number under 10,000 by any number under 10,000 in his head. I never knew this man. He died in the '30s from Parkinson's disease and there was some thought that it was connected with the 1918 flu. His wife was a remarkable person too. She didn't have much formal education. She had moved around the country with her father who was a homeopathic physician of sorts and maybe a minister of sorts and they traveled around all kinds of places. He first had a herd of cattle in Wisconsin, I think, and grew smallpox vaccine from cowpox, somehow.

Ms. Feigin: Really!

Ms. Harmon: And my father always thought he should have just stuck to that. [LAUGHTER]
Just done something that was sort of simple and straightforward and done it
again, and again, and again. But that was not his personality and so he left. The
most remarkable thing about Dodo, my grandmother, was that as a little child,
they were living in Arizona and she and her family were in Geronimo's last raid.
He had escaped from some fort or prison and the family hid in an irrigation
ditch.

Ms. Feigin: Oh my!

Ms. Harmon: She certainly never graduated from high school. She went to school wherever
they were, read her sister's books. But as an old woman, she read Freud, she
quoted poems to me. She was an interesting woman. She was widowed
relatively young since her husband died in the '30s. And she was left, you can
imagine a widow in Kansas City in that situation, with a pretty bleak life ahead
of her. She learned to drive. Was very proud of herself as she would call
herself the best woman driver in Kansas City. [LAUGHTER] She learned to
play golf and had a lot of friends and activities and younger friends through that.
And lived quite an active and interesting life.

Ms. Feigin: So the family must have had substantial income at that point.

Ms. Harmon: Yes. When my father was little they certainly didn't. But by the end they
certainly did.

Ms. Feigin: How many of your grandparents did you know personally?

Ms. Harmon: I knew three of them. My mother's parents, both of them, and then Dodo, my father's mother. And my mother's parents died when I was in about 7th grade, both of them. And then Dodo died after I was married, so it was in the '60s.

Ms. Feigin: Let's talk about your parents and growing up. Growing up in families like that, I'm sure they had extraordinary childhoods themselves. So which parent would you want to begin with?

Ms. Harmon: Let me begin with my mother. My mother was an only child. She was the child of the son of this remarkable woman who went off to Vassar. Her father was kind of a late bloomer. They all had great belief in education and her father ended up going to Yale, and was quite a quiet man with a nice sense of humor with a lot of puns and he loved reading. I never knew him as well as my older brother and sister did based on a lot of time he spent with them. He would read them Mark Twain and other things that he savored. They were very close to him. His wife was probably a bit of a nag and felt that he wasn't as successful as she had wished and other siblings were more successful and more powerful. My mother was the only child in that family so she grew up pretty spoiled I think.

Ms. Feigin: Just following your grandparents and then when we get to your mom, do you have early stories about Yale and Vassar because colleges then were so different from now and I wonder if we can capture a little of that.

Ms. Harmon: I don't think I know anything about my grandfather's experience at Yale or about the early experiences at Vassar. My mother went to Vassar. It became a family thing. And as you'll learn, I was entered in Vassar the day I was born.

There was no choice in anyone's mind except mine. [LAUGHTER] And as you'll hear, I didn't go.

Ms. Feigin: When you say you were entered in Vassar, just to back up, was that just in your family's mind or was there really a way to sign your child up?

Ms. Harmon: There was a letter, and it was assumed that I would start first grade at age 5. When I was a junior in high school or maybe a sophomore in high school, I got a letter saying aren't you going to apply? We received a letter about you and are waiting for the application. I mean at this point my parents were very financially successful and kind of big deals. My two older sisters had gone to Vassar. I would have been like the 33rd person in my family to go to Vassar at this point. All of the aunts and cousins. So I mean it was something you were really supposed to do.

Ms. Feigin: Well the people listening to this down the road may not realize that Vassar then was a woman's college, although it no longer is. So from your mom do you have stories about what it was like to be in Vassar in those days? Or from your sisters?

Ms. Harmon: From my mom, I think her experience was even though she was self-confident and petted and pretty and smart, she still was socially intimidated. I don't know how many people saw that but she certainly was. Vassar was a very, very elite place. And she tells the story about one particular person who had had an interior designer do her dorm room. [LAUGHTER] And Mother studied political science and later said it was a total waste of time, that she just learned about the structure of governments after the first World War and then they all

crumbled. [LAUGHTER] My mother was very interested, or maybe a little bit later in her life, in the history of art and in art. She had an extraordinary visual memory. The man who is head of the art museum in Kansas City said, I heard this from his wife recently, that he thought Mother had the best visual memory of anyone he ever knew and that she could walk into a museum in Europe and say well that painting used to be there. I don't know if that's true, but she certainly had an incredible visual memory.

Ms. Feigin: Not to talk about Vassar too much, there's one last question about it. Do you have a sense of it as much a finishing school as a college then?

Ms. Harmon: This would have been in the '20s. I think it was both. I think her experience was more social than intellectual even though she was very smart. And I think it was quite a finishing school where you could get a good education.

Ms. Feigin: So tell me some more about her life. Did she travel?

Ms. Harmon: Travel was one of the most important things in her life. Her father was in the family china business and he was in the less glamorous wholesale part of the business, but he regularly traveled to Germany and Japan to buy china and her mother loved to travel. They all traveled huge amounts. Before she married my father after Vassar she went around the world with them for a year on a trip that she continued to talk about into her 90s. And they went often by train. They went by not very fancy modes of transportation most of the time. They weren't super rich. But they went to India. They saw Gandhi. They had an extraordinary trip.

Ms. Feigin: And can you tell me something else from it?

Ms. Harmon: They were in some place in the Near East where there were archeological excavations going on and they were right there as they were digging up things. And the story is that Gammie, my grandmother, put on some bracelet that hadn't been on a woman's arm for 3,000 years. The concept was they were going to end up in Paris and Mother and Daddy were going to get married in Paris. But this was 1929 and so the joke is that he sent her a telegram that said "Sorry, can't come." [LAUGHTER] They went back to Kansas City where they got married.

Ms. Feigin: How had they met?

Ms. Harmon: They met in Kansas City probably at 8th grade, 9th grade kind of ages. I don't know exactly how they met. But Daddy was always taken with her. And certainly his mother, who spoke to me very frankly, didn't think that was really a very good idea. But he had said something like that he was so taken with her even though she could be difficult, this was it. My father went off to Harvard. He'd gone to public school in Kansas City. He started in 1920. I guess in trying to be admitted, because they had no idea what Westport High School in Kansas City was, he had to go there for two days and do physics labs, which he did very well and he got admitted.

Ms. Feigin: Because he wanted to be a physicist or everybody had to do physics labs?

Ms. Harmon: I don't know if everybody did physics labs or if because he'd taken physics, he did the physics labs. Or it could have been chemistry, anyway this was a solid real science. Because a place like that was so focused on the elite eastern schools, they didn't know what Westport High was, you know. After his death

we found some interesting family letters from uncles of his saying don't let him go. He will lose his Catholicism, not being aware that he'd already lost it. There was pressure that he should go to a Catholic college and not Harvard, which was interesting.

Ms. Feigin: And do you have any Harvard tales from your dad?

Ms. Harmon: I think the most important thing is as an undergraduate he was probably a little overwhelmed. He didn't do super well. Neither of them did super well. But then when he went to business school he did very well and then that launched him on his business career. He had a good time. He rowed on the crew. He made friends. He went as kind of a string bean. Supposedly gained 40 pounds his freshman year. He needed to be more muscular. And then it always seemed to me that since that was good he kept going. In his adult life he was very heavy. He weighed like 285 pounds which seemed astronomically heavy at the time. Now you see many people on the street or the subway, wherever, that are that heavy. Football players are heavier than that.

Ms. Feigin: So they got married shortly after college?

Ms. Harmon: Yes.

Ms. Feigin: When your mom studied political science was that with the intent to pursue any kind of career in that field?

Ms. Harmon: I don't think she really ever thought she'd have a career. I think she saw herself as an engaged person. When she came back to Kansas City she joined a sort of book club discussion group called the Monday Group. I think one of the initial members may have been my great-aunt who was quite an amazing person but

who I never really knew. And she continued with the Monday Group up through her 80s. I think as everyone got older, it became less engaged and more sort of little gossip, maybe reading The New York Times to each other. But earlier I think it was really meant to be a serious discussion group. She was active in different civic things. She was a member of the Junior League and the president of the Junior League. She founded the Planned Parenthood affiliate there.

Ms. Feigin: Was that controversial?

Ms. Harmon: It was enormously controversial. At that time it was illegal to send contraceptives through the mail. So she would go to the post office to pick up the contraceptives and be terrified that somehow the package would fall open and she'd be caught.

Ms. Feigin: Can you tell me something about the organization? Was it a large organization? Men, women?

Ms. Harmon: I assume it started out small. I don't know a lot about it in those early days. This would have been in the early '30s, like '33, '34, when it was founded. When I was a little kid, let's say 5, so that's the middle '40s, she was still very active and I did not play having tea parties. What I did was to put on her fur coat and play like I was Mrs. McGreevy and Mrs. McLaughlin going to Planned Parenthood meetings. [LAUGHTER]

Ms. Feigin: And did you go to some of those meetings with her?

Ms. Harmon: No. I thought it had to do with raising your children better. I had no idea what it was about, of course. My father was supportive of her doing it, certainly. He

was positive about it. Abortion wasn't an issue of course at that time. I don't know how controversial it was within the community. I just don't know that.

Ms. Feigin: So did she speak, did she lecture to big groups? What did it involve?

Ms. Harmon: No, she wouldn't have done that. She could have done that a bit, but I never knew of her doing that. But she would have gotten people. . . . I imagine that the clinics and the counseling was initially done by volunteers with some kind of spotty medical help. But I just don't know.

Ms. Feigin: In terms of the organizations that she was active in can you tell me what the Maddie Rose Society is? Does that ring a bell with you?

Ms. Harmon: No.

Ms. Feigin: Your friend Carol mentioned it to me, that your mom was involved in it.

Ms. Harmon: No idea.

Ms. Feigin: Okay. So, in talking about that generation, your mom and dad's, you mentioned you had a great aunt who was fascinating, although you didn't know her that well. What about her made her so interesting?

Ms. Harmon: She started two schools in Kansas City, a boys school and a girls school, very much based on the John Dewey theory of education. She was a member of the Democratic National Committee, supposedly before women's suffrage. She was married to two different people. She was married to a guy who had a very substantial amount of real estate in Kansas City. She was involved in some early real estate development there which she doesn't get any credit for but that was important in developing the suburban area and the shopping center that's one of the first suburban shopping centers in the country.

Ms. Feigin: Who gets the credit for that?

Ms. Harmon: A guy named J.C. Nichols who worked for them. And he really did a lot of it. I don't know how much Aunt Vassie did. But she did. She was a very strong minded and powerful woman. And my mother was close to her children because my mother was an only child and Vassie had four children so they were over there a lot. She was very liberal and confident. Though Mother was a mix of liberal and conservative and Mother got a lot of her liberalism from Vassie, I think. She was quite a remarkable person. I never really knew her. She was just an old lady so I heard about her. I went to the school that she founded so that was very important. Again the emphasis on education was very important.

Ms. Feigin: Before we get to your school years, your father's career.

Ms. Harmon: He came back to Kansas City after business school and entered his father's stock brokerage business. It was 1929. His father's partner decided the market was very high and he was going to sell out. My grandfather got Parkinson's and there was my father, quite a young man trying to run this small business as the world fell apart. It was enormously stressful. He succeeded at that while keeping the business afloat and making few enemies as far as I know. He became a really important civic leader. He was on the boards of lots of local companies but also on the board of an airline that merged into Braniff and he was on the board of Braniff. His best friend was a man who started a chemical company, which became a publicly traded company. Daddy was very involved in the business life of the town and very, very successful at it. One of the things that I remember most was there was a scandal at a company called the Flour

Mills of America. The CEO had stolen money or something like that. It was a major scandal. Daddy spent a long time negotiating as a board member and people valued his judgment.

Jumping ahead to something different but similar, in the school that I went to, Mother and Daddy played major roles, in fact they hogged it a bit probably. She was Chair of the Board and he was Treasurer. And after I graduated from high school and the woman who had been the long time head of the school retired, someone else was hired who my parents liked and some people liked very much and a clique on the Board decided they didn't like her. She had tried to discipline the daughter of someone who was rich and powerful about drugs and they didn't think she was socially attractive. Now I think she was a lesbian. But those words never came out and so this clique on the Board got together and came to see Mother and Daddy and said we've got the votes to fire Barbara and we're gonna do it. And Mother and Daddy were both appalled. And Daddy very subtly managed a campaign to keep her so that she could leave with honor at a later date. Different people knew different things that he did, but I remember, sometime in the 70s maybe, having dinner with friends of his and their granddaughter, who had been in school at the time, and said, "Oh your father was so wonderful protecting Barbara. He managed it very, very skillfully" which was very nice. I think the people on the other side knew that both Mother and Daddy would be horrified at the judgment that she wasn't nice at cocktail parties and she dared impose equal discipline on the rich kid and the less fancy kid.

Ms. Feigin: Were your parents politically active?

Ms. Harmon: My father was definitely a Republican and I think pretty politically active. I don't know much about that at all. My mother became a Democrat gradually after he died which is a funny story. She was always strongly pro-choice. She had an emotional sympathy with the civil rights movement, but she was a Republican. Her political conversion was after Daddy died, I think it was the 1980 election when Reagan was running but John Anderson was the pro-choice alternative. And I said how can you vote for Reagan? And she voted for John Anderson and that was the beginning. [LAUGHTER] Oh, and the other thing was they both, I think, were pretty active in good government efforts in Kansas City which were against the Pendergast machine but also were sort of straight good government efforts.

Ms. Feigin: The Pendergast machine is the machine supposedly that Truman was connected with.

Ms. Harmon: Yes. Truman was connected with the Pendergast machine.

Ms. Feigin: Did your parents have any stories about that?

Ms. Harmon: Not really, they didn't really know Truman. They probably could tell you things if they were around but I don't remember hearing about them.

Ms. Feigin: Okay, then let's talk a little bit about the school that was founded by your family. You said there was a boys school and a girls school. You obviously were at the girls school. Can you tell me what a girls school was like at that time and place?

Ms. Harmon: Yes. Well, it was founded to use the principles of progressive education which

would involve doing as well as thinking and learning about the wide world around you and experiential learning. By the time I got there some of that had been diluted. So certainly there was a little bit of that left but it was kind of a prissy little girls school.

Ms. Feigin: Were there dress codes?

Ms. Harmon: No dress codes. Just kind of a prissy little girls school. And so I was a little loud, a little trouble. I was usually the smartest kid in the class and I remember one teacher saying, "You know, I can't put you anywhere. No matter where I put you, you make friends with the person and you talk all the time."

[LAUGHTER]

Nursery school was co-ed-- that was the only part that was co-ed -- and my nursery school report says that I love to run and gallop with the little boys. I think I was very sorry that the little boys all left. And at about 7th grade and 8th grade, we had a wonderful influx of smart kids who had gone to public schools. And the classes were divided and half tracked. I think it was notable that there were only two of us who had gone all the way through who were in the smart group. And the school was not rigorous. It was hard but not academically rigorous and I was not well prepared for college. We didn't have physics. The head of the school had been a Latin teacher and she wanted you to take four years of Latin; the early years were primarily memorization. The math class in my senior year, there were about four of us in it and it was horrible. I remember very specifically times when the teacher would say "Gail has the right answer, I know from the Answer Book, but I can't understand how she did

it and I can't do it." And this was our math teacher!

Ms. Feigin: What made the school prissy?

Ms. Harmon: It had a lot of little social rules. There was something -- this was in high school -- called the Honor Study Hall and only if you were in Honor Study Hall were you eligible for certain elections. Also maybe the spring time you can study outside and you could also study in a room that didn't have a proctor. There was an adjacent room. If you wore clips in your hair, you could be kicked out. Maybe if you wore lipstick. I mean silly rules -- rules that were totally silly.

Ms. Feigin: Did girls have to wear skirts?

Ms. Harmon: Yes, of course, I don't think we could wear pants. Even in college I think I had problems with rules about no pants unless there was a lot of snow. And the value system was very focused on the country club, the rich people, that element of the school. That was a very powerful social element of the school.

Ms. Feigin: How big was the school?

Ms. Harmon: There were 27 people in my graduating class.

Ms. Feigin: Since there weren't many rigorous courses, do you remember some of the courses that you did take or some of the teachers, perhaps, that had an influence on you?

Ms. Harmon: One English teacher who was quite wonderful, I don't know if Carol mentioned her because she is a friend of Carol's and a friend of my sister's, who was very good. I had a very interesting history teacher who really was the only other person who was -- in any of the social sciences -- rigorous at all. And I

remember the books we used. Her husband got in terrible trouble with a conservative banker who thought he knew it all. In some public forum the banker was talking about how socialists were atheists and the professor just asked what do you make of the Christian Socialist parties in Europe? And of course the guy couldn't answer because he didn't have any idea!

[LAUGHTER] And she was only there for a couple of years. Her husband was at the University of Missouri at Kansas City and then got a job at a more interesting institution and they left. But all the history courses seemed to end fairly early so they didn't have to discuss controversial things such as the New Deal. [LAUGHTER]

Ms. Feigin: Was the school integrated?

Ms. Harmon: No, no. The school was not integrated. The school had an informal limit on the number of Jewish students. It was very conservative. The boys school was also not integrated. Remember, I graduated from high school in '61 and Brown vs. The Board was, of course, '54. I don't think you'd find an integrated private school in Washington except for Georgetown Day in that era.

Ms. Feigin: Let's talk about the sort of society at that time beyond school. How about starting with integration. Especially because you were of age when Brown came down, did you notice a before and after impact?

Ms. Harmon: Well first of all, I can tell you some stories that are just shocking about the era at that time. In Kansas City there were only two movie theaters that blacks could go to. It sort of only came up in my consciousness because a friend of mine whose parents were effectively absent was usually taken care of by the

black housekeeper and she could only go to these two movie theaters. She couldn't go to the main line movie theaters.

I had a horrible experience going to a baseball game with a friend of mine and a couple of other friends and the friend's mother. This was when we first got major league baseball in Kansas City and it was the furthest west any major league team had come. It was a day game, and we were sitting there and there was an African-American guy about a box away and the mother insisted that he move because he would bother us. And she said "How could you possibly get a ticket? How could you be sitting in this area?" And he explained that his employer had given him the ticket and she got the ushers and forced him to move. It was so awful. I felt it was just horrible.

You're about the same age that I am. You would remember something called the National Conference of Christians and Jews?

Ms. Feigin: Absolutely.

Ms. Harmon: which was active in Kansas City at the time and they had conferences for high school students that I went to and integration was an issue that was talked about and I was well aware of those kinds of issues and felt very strongly about them.

Ms. Feigin: Within your social circle was it segregated?

Ms. Harmon: Oh totally.

Ms. Feigin: Within your home where you had I think a number of, a lot of people in help, can you give us a sense of what that home was like?

Ms. Harmon: Well it's a beautiful large house. I was the youngest of four children and in terms of the home setting, my parents lived a very luxurious and privileged life;

they had a lot of household help and were very, very comfortable with all of that. I was very close to various of them, particularly the cook, whom I was very, very close to. They played a big role in my growing up and in humanizing some of the elements of my parents that weren't as warm and cuddly.

Ms. Feigin: Was all the household help black?

Ms. Harmon: No, there was a mix at different times of black and white.

Ms. Feigin: And when you talk about, there was the cook, and there was—

Ms. Harmon: There was the cook. There was a houseman, there was an upstairs maid, nurse-maid kind of person. I am a little embarrassed at this list, and a laundress.

Ms. Feigin: I think it puts into perspective how you developed. Where you started and where you are.

Ms. Harmon: Yes.

Ms. Feigin: And when you say they provided some things you might have not otherwise have had, can you be a little more specific.

Ms. Harmon: Sure, when I would come home from nursery school, I would have lunch with Marie in the kitchen. Marie's husband Joe was a wonderful warm guy. He like many African American men had a tale of missed opportunities that was tragic. He had played minor league baseball with Jackie Robinson. He had played music with Lionel Hampton. And here he was driving my parent's car and doing yard work and serving us dinner. And he was a great guy. He was warm and smart. His wife was a wise, wise person and a lovely person. And she formed a community. She knew all kinds of people and built bridges just in

little ways. She was a wonderful person. And Carol and I would hang out with her and she'd teach us how to make angel foods cakes or whatever.

Ms. Feigin: We should introduce Carol.

Ms. Harmon: Yes, Carol, who Judy has talked to, is the girl who grew up across the street from me who was two years older than me but my very best friend when I was a kid. We were always back and forth in each other's houses, playing games, doing projects.

Ms. Feigin: Can you tell me some of the games and projects played because I gather they were extraordinary?

Ms. Harmon: [LAUGHTER] Well we did all kinds of funny things. I mean we played silly board games like Go to the Head of the Class and Monopoly and things like that. We had all these little things that we sold. Carol always had a lot of ideas. We made jewelry out of cantaloupe seeds. We'd dry them in the oven and then string them with a needle and thread and we made jewelry out of that. We made jewelry out of little bits of seashells from a kit you could buy at the hobby store. We made innumerable amounts of potholders which we sold door-to-door. We wove them on those little looms and we sold them door-to-door. We took orders and then we'd go home and make them customized to the colors of the kitchens. [LAUGHTER] We had a playhouse in her yard where we spent the night. I think her father hooked up some kind of a shortwave radio so we could talk back and forth. We had what my father considered the most exclusive club in the world because it was designed primarily to keep out the poor third girl in the neighborhood. [LAUGHTER] We rode bicycles and we

roller skated and we had roller skating shows and picnics on our bicycles. And in the Rice Krispies box you could get Snap, Crackle and Pop puppets and we had puppet shows. You'd send in a certain number of box tops and get the puppets and we had puppet shows. We did all kinds of things.

One funny story, we also did a lot of reading and the public library would have a little contest like they do for summer reading. You got a star for each book you read and you were supposed to read 20 books or something. And so Carol and I were always doing that. It was about 30 years later that she told me that she never read the books. [LAUGHTER]

Ms. Feigin: She told me you had a wonderful library in your own house.

Ms. Harmon: We had a wonderful library in our house. An amazing library room – a room that my mother bought in New York from an English house; the house was kind of built around it. It was a beautiful wooden library. But also my parents loved books and we had an extraordinary number of books. My mother read to us. She read – we haven't gotten to my life yet – but she read to all of us but particularly to me. And loved reading and inculcated a love of reading. I had an extraordinary library of interesting things.

Ms. Feigin: Do you remember what kind of radio shows you listened to as a kid?

Ms. Harmon: Oh, Jack Benny, The Shadow, The Lone Ranger, of course. Whoever it was, Sergeant Preston in the Yukon. I don't remember Fibber McGee and Molly very well but I think we listened to that Sunday nights when I was pretty little. My oldest sister is 13 years older than I am; my brother is 11 years older and then I have a sister who is 5 years older. So when they were home, and Jean

went to college when I was 4.

Ms. Feigin: Jean is the oldest sister?

Ms. Harmon: Yes. I remember eating in the pantry Sunday night, just us, and listening to the radio. And then I would listen to the radio in my room quite a bit.

Ms. Feigin: Did you get magazines in the house and do you remember those that would come in?

Ms. Harmon: Oh, sure.

Ms. Feigin: What kind of stuff?

Ms. Harmon: We got Time, everyone got Time and Life. And The Reader's Digest. And I read all of The Reader's Digest. And The New Yorker. And then my mother used to get The London Illustrated News which, this is sort of a fantasy life of I'm going to go to Europe next week, which of course didn't really happen. But I remember the pictures of the Queen's inauguration and this and that. My father had huge numbers of annual reports of companies that he was always about to read piled up like this in his bathroom.

Ms. Feigin: Tell me a little bit about your siblings.

Ms. Harmon: Yes. Jean who is 13 years older than me grew up in a different era, was a young woman in a different era. She went to Vassar like she was told to. She came home to Kansas City and joined the Junior League. She's very smart but she never really had a career. She married an exceedingly nice man who's also quite smart but somewhat insecure about it. And I think that that is one of several reasons why she never pursued a career. She didn't want to outshine him. She was a very active volunteer. She was the first woman selected for the

City Planning Commission and was active in local politics, organizing precincts, working for certain candidates and bond issues. Very active in good government things. She was also active in Planned Parenthood. She had terrible asthma as a child. She was allergic to wheat and I think the sense that she was fragile had probably been a fairly important thing for her.

Ms. Feigin: And your other siblings?

Ms. Harmon: My brother, who is now dead unfortunately, was sort of understated. He was quiet. He was very smart. He was more like my mother's father who had this lovely sense of humor and loved puns. He was the child of a very successful, very bossy man and that's hard. One of his good friends from college told me that freshman year he'd never met a shyer person than my brother. I wouldn't quite say that but it was interesting that Art said that. He also had limited choices. He was going to college at the time of the Korean War and Mother and Daddy bullied him to be in Naval ROTC [Reserve Officer Training Corps] so that he wouldn't be drafted. And so he went into the Navy for a couple of years after college and then went to business school and then worked in Daddy's business. First in New York and then in Kansas City. He married a woman who was a lot of fun who is still a friend of mine. In Kansas City they were sort of the bad kids, doing wild things. And I think he had a good time with Molly but then their marriage fell apart and they got divorced. But I think really he was a very kind man with a good sense of humor but I think the principal thing about him was that he was the child of a domineering father. And then Annie, the third sister, who I really knew better because she was just 5

years older than me, was always a very good athlete and in some ways was my father's favorite. When she and I would go to Europe with Mother and Daddy there would be a breakdown of her and Daddy and me and Mother. She's friendly and pretty and a bit of a flower child still at 70 –whatever.

Ms. Feigin: Did you travel to Europe a lot when you were a kid?

Ms. Harmon: Yes. Mother had gone to Europe when she was 8 and it was a central experience for her. I mean these trips were extraordinarily important to her. She went to Greece when she was 8 with her parents. And Mother and Daddy and Jean went to Europe in '52 which was fairly soon after the war in terms of traveling abroad. Then we went in '54, '56, I think in '58; a lot. It was a time when my parents were free enough of responsibilities that they could do this. My father was one of the three trustees of the art museum and they were both very, very interested in the visual arts. We would go to art museums and also see dealers who were interested in showing us around in case they could sell something to the museum in Kansas City. So the trips were very tightly organized in terms of artistic sights and food.

I have here a newspaper clipping from the Kansas City Star picturing me with a Greek war orphan during our 1954 trip. Our school collected newspapers and sold them for recycling to raise money sponsored by Save the Children. When I saw the conditions in which this boy lived -- all four family members in one bed -- I got the school to raise money so he could have his own cot.

Ms. Feigin: Were these summer-long trips?

Ms. Harmon: Oh, a month or something.

Ms. Feigin: And did you travel with an entourage or was it just the family?

Ms. Harmon: It was just the family but we'd have a driver.

Ms. Feigin: And you wined and dined your way through?

Ms. Harmon: Yes, wined and dined our way through.

Ms. Feigin: That sounds wonderful.

Ms. Harmon: Yes.

Ms. Feigin: Because your family was obviously comfortable financially was there, I gather there was a sense of -- danger may be too strong a word -- but I understand there was a kidnapping at some point.

Ms. Harmon: Oh yes.

Ms. Feigin: Can you tell me about that and maybe the impact that may have had on things?

Ms. Harmon: Actually there was a book written about it that's just come out in the last month or so and you can see if you looked up a review in The New York Times. This was the Greenlease kidnapping. This was a little boy whose father was the Cadillac dealer and so was sort of known to have money. I never thought it had any impact on me at all. I mean, I'll tell you a very specific thing. At one point we read in the paper that the kidnapers had thought about going after the daughter who I think was a seventh grader at the time. She was two years older than me. She was in Carol's class. And they went a particular day to where she was waiting to be picked up but there were some other children there so they didn't do it. I checked which day it was. We knew who drove the carpool on which day and it was the mother who was always late day and so I was pretty

sure it was me and Carol waiting there and Marty. And so we inadvertently saved this little girl's life. But I would have been like in 5th grade when that happened and I didn't, I hadn't ...

Ms. Feigin: There was no sense that you might be a target?

Ms. Harmon: No. Absolutely not. I am unreasonably unafraid my husband would say. I mean I'm not scared of lightning. I think I get this from my mother who was the same way. I'm just not scared of things like that.

Ms. Feigin: We should just say to put this in context of why this might have been so frightening; he was killed.

Ms. Harmon: He was killed. Oh, it was terrible. He was murdered brutally. No one knew how quickly he was killed and the papers were full of ransom requests and what were people going to do and the family lived within walking distance of my house and it was not only front page news but it was right there in your face.

Ms. Feigin: Just before we think of closing out today's session, did you have any sense growing up of limitations as a girl? Were there things that you felt weren't open to you or you couldn't do, that you wanted to do? Was there any of that?

Ms. Harmon: I'm really pausing and I should think about this more. I don't think I felt that very strongly. I think that my mother pretty much felt she could do anything she wanted to do. There were things maybe she didn't want to do. I knew stories that she was positive about, about people who were doctors or lawyers.

Ms. Feigin: Women?

Ms. Harmon: Women, yes, and she would be very positive about them. Her phrase would usually be "Quite a remarkable person."

Ms. Feigin: Did you know any women doctors and lawyers?

Ms. Harmon: No. I remember thinking that there was a particular woman who was kind of a model, a society but a smart woman, who I wanted to be like. I don't think that I thought particularly about having a career when I was a small child. But I didn't feel particular barriers.

Ms. Feigin: Okay, we can come back to that and if you think of some we'll talk about them next session. Was religion a force in your life as you were growing up?

Ms. Harmon: [LAUGHTER] Absolutely not. This is interesting. You could go through this long litany which I won't go through about different religions around my family. My parents never went to church. I went to Sunday school with a neighbor, and they didn't object, but they never went except for weddings and funerals. I remember being acutely embarrassed. Religion was -- this was the '50s and '40s.

In first grade the teacher asked where each of us was born. I was very smart sociologically and by the time they got to M for McGreevy, I knew where you were supposed to be born. [LAUGHTER] So I fibbed. Because you were supposed to be born in the rich Episcopal hospital. I was actually born in the KU [Kansas University] Medical Center because my Mother got disgusted with the doctor at the rich Episcopal hospital in a previous pregnancy and found someone who she thought was much smarter and much more able. My parents always went to the KU Medical Center and the doctors were on salary and they by and large were never charged a fee. And so they made various charitable contributions. It was an example of particularly my mother making very

unusual choices for her social set. And so I felt empowered to make unusual choices. But they asked where we went to church like about in first grade. And again there I was really upset. I came home and I said what can I say? [LAUGHTER] She said “Well just say we’re not a very religious family.” And so I had my one line. But yeah, at points, I felt acutely embarrassed about that.

Ms. Feigin: You said you graduated high school in what year?

Ms. Harmon: ‘61.

Ms. Feigin: ‘61. So that was right when Kennedy had just been elected.

Ms. Harmon: Yes.

Ms. Feigin: So things were starting to move.

Ms. Harmon: Yes.

Ms. Feigin: Do you want to talk a little bit about some of the changes that were going on?

Ms. Harmon: Okay. I remember debates about Kennedy, Nixon and there were two Democrats in the high school. And I wasn’t one. [LAUGHTER] I was watching this.

Ms. Feigin: Was there a sense of the civil rights movement building and all that stuff going on at the same time?

Ms. Harmon: Yes. I would see that through going to these National Conference of Christians and Jews meetings and then my general sense. I mean I was alert. I watched television, I read newspapers. The Kansas City Star wasn’t a great newspaper but I read this paper. I was definitely aware of change and I wanted to be part of change. I think that’s fair to say. I don’t remember when James Meredith was shot but I remember my mother was so upset. It was notable how upset she

was. But no one in my world except for these two people had been for Kennedy. I was in a very conservative Republican universe.

Ms. Feigin: And so it stayed that way until you went to college?

Ms. Harmon: Yes. I mean I was always a rebel, an outsider, and by that time Tommy and Molly, my brother and his wife, had moved back, and they would have suggested different ideas. But the general milieu only allowed one point of view.

Ms. Feigin: Tell me how you came to buck the trend and not go to Vassar? [LAUGHTER]

Ms. Harmon: Well I always was a rebel. But I would say, first of all, we had this very bossy head mistress and she said I couldn't apply to Radcliffe unless I was going. Because she didn't want me to apply and reject it because that would be bad for subsequent applicants. So I had to make that decision. I had, when I was in the younger years in high school, this friend of my brother's who I mentioned describing him, had been stationed at an Army base near Kansas City and spent a number of weekends with us and I was very taken with him. He and I were friends and we'd talk and then I thought I want to go to school with people like that. Then I had, and this is not a very liberating reason to go to Radcliffe, I had a conversation with my sister-in-law. I remember it very specifically. We were sitting in the kitchen and she said "You know I've watched the way that Kansas City society works. And if you go to Vassar you will date people from Kansas City and you'll marry somebody from Kansas City because you won't know anybody else. And so if that's what you want to do, go to Vassar."

[LAUGHTER] And I clearly wanted more freedom. But it was part of much

more than that. It was part of different ideas, it was a sense of freedom. I considered going to Radcliffe part of my family tradition because my brother and my father had gone there, gone to Harvard and if I wasn't going to go to Vassar that was the only other place I could go.

Ms. Feigin: And was Radcliffe at the time a separate school from Harvard or how integrated was it with Harvard?

Ms. Harmon: It was a separate admissions process and a separate residential life and a separate library. But all the classes had been integrated since the Second World War. So we went to the same classes. We took the same exams. There were libraries we could not enter. It was horrible. So if you only had an hour between classes there was one particularly convenient library where the books were on reserve, Lamont Library, and a woman couldn't go in. You had to walk all the way back to the Radcliffe Library to go to the library.

Ms. Feigin: Do you remember the dorm rules?

Ms. Harmon: There were things called parietals which were rules about when you had to come in and when you could entertain a male visitor.

Ms. Feigin: Can you share what those rules were?

Ms. Harmon: I think you could only have a male upstairs Sunday from 2 to 4, something like that. There were some rooms downstairs in the dorm that were called Calling Rooms. They were small, probably 8x10 rooms with chairs and a couch and you could entertain a visitor there. And then there was a large living room where you could sit but you didn't have any privacy for a conversation there and the general thought was that that was not where you sat if you had a guy

come to see you. And you signed in and out and you wrote down in a book where you were going if you were going to be out after 6 and you had to be in at a certain time.

Ms. Feigin: Were there rules, as there were at some colleges, about dorm room doors being open when you were entertaining men?

Ms. Harmon: I don't remember those. I mean I remember stories of doors being open and at least 3 of the 4 feet being on the floor, stories like that. They never had any impact on me because there wouldn't have been more than once or twice I would ever have had a guy upstairs. The rooms in my dorm were very small and institutional, like small hospital rooms with two beds and two dressers. They weren't places where you wanted to hang out. They weren't comfortable pretty rooms.

Ms. Feigin: Was Radcliffe at all a finishing school type place at that point or not?

Ms. Harmon: There were maybe 5 to 10%, more like 5% of the class. You had to be really smart to get in. But there were like 5% who were probably Eastern boarding school finishing school types. Maybe even fewer.

Ms. Feigin: Were there teas and that kind of thing?

Ms. Harmon: There was. Maybe once a year there was a tea but people didn't take it seriously. There was after dinner coffee which we facetiously called Gracious Living [LAUGHTER] and I guess on Wednesdays and Sundays after dinner you would go in and have a demitasse. And then at some point there was also sherry before Wednesday dinner or something. It was controversial since we weren't allowed to drink outside, could you drink within Radcliffe, but I don't

remember how it was all handled. But none of that was taken seriously at all. None of the Seven Sister schools at that point were finishing schools because they had selective admissions and they were good schools. Certainly there were people from my high school who went to junior colleges and some places that were really finishing schools and if you were particularly interested in marrying the bank president, you probably went to Wellesley or Smith. You didn't go to Radcliffe. Radcliffe was known as having girls who you didn't want to date, who were ugly, who were too smart. I remember being a mix of proud and hurt by all of that. There may have been a very small number of people who were very rich and very social and went there primarily to marry a rich Harvard man. But that wasn't the group mindset and it wasn't how Harvard looked at Radcliffe.

Ms. Feigin: By finishing school I didn't mean to suggest that it wasn't academically rigorous. I just meant that there were sort of feminine touches that might seemed outdated now.

Ms. Harmon: There certainly were some rules about not wearing pants except in bad weather I think to classes. But at the time I was there any of those things were laughed at and were quick to disappear.

Ms. Feigin: This is probably a good place to stop and we'll start next session with your college career which is probably a jumping off point for much in your life.

Ms. Harmon: Thank you very much.

**ORAL HISTORY OF GAIL HARMON
SESSION TWO
SEPTEMBER 23, 2009**

This is the second interview session with Gail Harmon for the Women Trailblazers in the Law project for the ABA. It is September 23, 2009. The interview is taking place in Gail Harmon's law office in Washington, D.C. and the interviewer is Judy Feigin.

Ms. Feigin: So Gail, when we left off you were about to go to college. But before we start you there, let's go back over a few things from childhood that perhaps we didn't pay enough attention to. And there are some things I think you think were formative for you that would be relevant to your oral history, so would you tell us about them.

Ms. Harmon: I was very sick as a child. At six weeks, I contracted something that no one could understand. I cried a lot, my palms were pink, I didn't eat well, the soles of my feet were pink. No one could figure it out but I was very, very sick. Our family doctor thought it might be something called acrodynia, which people didn't know much about, but which was perhaps tied to mercury poisoning. I continued to not do well and so my parents took me to the Mayo Clinic, where I stayed for six weeks. My poor mother was there with me for six weeks, and I finally went home. The Mayo thought I might have the youngest case of acrodynia that anyone had ever seen. They had no idea what it was. At six months, I weighed less than my birth weight.

I was very, very sick. But one of the things it did, I think, was it bonded me to my mother in a different way than the other children were bonded to my mother because she was so worried about me. And then gradually, I got better.

Ms. Feigin: So it wasn't treatable?

Ms. Harmon: It was never treated. And within the last 10 years, I was having dinner with a woman named Ellen Silbergeld who was a public health professor and knows a lot about toxins and illnesses associated with toxic exposure. And I asked her about it. And she said that the diaper cream at that time contained mercury, and it is very possible that you had a rash or open sore and it got into your bloodstream and that that was it.

Ms. Feigin: Really!

Ms. Harmon: Which is fascinating.

Ms. Feigin: So you were ill, sickly until what age?

Ms. Harmon: I started getting better about one-and-a-half. And then I became fine.

Ms. Feigin: You blossomed?

Ms. Harmon: I blossomed. [LAUGHTER] But then, when I was three, I had an unbelievably horrible experience for a little child. I was playing with friends of mine in the neighborhood and I was quite free. I mean for us as, I don't think of our generation as helicopter parents. Still it is quite surprising that I went up to visit my friend who didn't live that close and I was there with another kid from the neighborhood and then the mother went in to change a baby's diaper and just left the three of us outside in the wintertime. We decided we were going to go

ice skating, so we walked, really, these were big houses with big yards and we walked through one house and yard and then through a vacant lot to another house that had a very big decorative fish pond pool. And we played on the ice and we fell in.

Ms. Feigin: How old were the other children?

Ms. Harmon: Three. We were all three, three-and-a-half. And I had on a waterproof snow suit, so it held air and we all screamed and my nursemaid had her window open a tiny bit and she heard the screams and she ran out of the house and across the vacant lot. It was a big vacant lot, it was an area for a large house to be built, and pulled me out, and couldn't see the others, and the other two died. And I was kind of in physical, as well as emotional, shock for a while and I have always, I think I remember it but I don't know if that's an imaginary memory. But the two things that I think were important for me were it's one of the reasons I've always been an overachiever. It's some sense of guilt about why did I live and why did they not live. And then also my mother focused again on me more than she did on anybody else. She wrote to this woman who'd been a director of the camp that she and the older children in the family had gone to, who was a psychoanalyst, which is sort of uncharacteristic for my family, in the thirties, forties and fifties to be friendly with somebody who was a psychoanalyst. This was just not your standard Kansas City, Republican background. But they had enormous regard for her. And her response was just very common sense -- give her a lot of attention. If she wants to talk about it, let her talk about it, that kind of thing, nothing obscure, unless real problems

developed. But it meant that my mother spent more time with me, reading to me, visiting with me, things like that.

Ms. Feigin: And there were two other things that you indicated you wanted to discuss. One I believe was horseback riding and the impact that has had on you as a mature woman.

Ms. Harmon: Yes. Well, I always loved to go horseback riding with my friends and I loved the sense of adventure. And also the ability to control this huge animal and to direct it, plus sort of emotionally playing cowboys and Indians in your head. And having the sense of speed and power and also being able to control it. And as an adult, I read an autobiography of Sarah Weddington [plaintiff's attorney in Roe v. Wade], who also talked about growing up in a very restricted society with very traditional views for women and her one sense of freedom was horseback riding, and I was struck by that.

Ms. Feigin: And you told me there's a Lucille Ball story which really ought to be part of this history.

Ms. Harmon: Yes, and this I think is, to blow my own horn a bit, an example of my kind of cutting to the chase on things and also doing it in a way that's so obvious to me but not obvious to everybody else that I am not necessarily understood. This was in the fifties, my friend Carol and I watched I Love Lucy and were engaged with her, thought she was hysterically funny. And Lucille Ball was targeted by Joe McCarthy. Lucille Ball had joined the Communist Party as a favor to her grandfather, I believe, one of her grandparents, who was an old, blind Communist from the thirties and she joined the Party as an accommodation to

his views. And she was hauled up before McCarthy and it was big headlines in the paper in Kansas City. I have a distinct memory of being over at the Carmichael's house and they were much more conservative than even my parents.

Ms. Feigin: The Carmichaels being—.

Ms. Harmon: —Carol's parents. And saying that this is ridiculous, isn't this why we fought the American Revolution? Aren't you supposed to be able to have your own political beliefs? And of course everyone said I was a stupid little child and shut me up. But at a fairly young age, I certainly had that sense of those core values and was absolutely horrified by the attack on Lucille Ball. I didn't understand everything that was awful about the McCarthy hearings, but I certainly had a fundamental understanding of those political and constitutional values that we all consider so very important.

Ms. Feigin: Did you watch those hearings?

Ms. Harmon: No. I don't think I did. My mother did and I remember people talking about them. But I was probably pretty young – 10 or under.

Ms. Feigin: Unless there's anything more pre-college, shall we move on to your college era?

Ms. Harmon: Sure.

Ms. Feigin: So there you were, breaking the mold and going off to Radcliffe.

Ms. Harmon: Yes.

Ms. Feigin: Tell me what it was like. We talked a little bit about it, but let me ask a few questions and then you can take it from there. The class was how large?

Ms. Harmon: Even that question is an interesting question. My class, the women, were probably 200 or 250. But we went to class with the Harvard men, probably 800 or 1000.

Ms. Feigin: And that has its impact.

Ms. Harmon: That has a tremendous impact. I took a chemistry class, and in my section in the chem lab, there were probably 15, 18 people, two of them were women – me and one person. So it was a very, very strange experience.

Ms. Feigin: Strange how? What was the impact on you?

Ms. Harmon: A different feeling about going to college was a great sense of freedom because I was in this exciting community and not restricted in the way that I felt in Kansas City. Just walking down the street, I had a great feeling of freedom. But in a lot of classes, and this chem lab is a good example, I didn't know how to banter with the guys and I did not particularly like the other woman in the class. She just was not my kind of a person. And so I felt very alone. And I made friends with a couple of different people, who I liked and liked me. There was no question about that. But it was very strange — I didn't feel good about asking questions. It was very bad for my intellectual development in college because I didn't know what to make of all of it and I didn't know how to navigate it well.

Ms. Feigin: Were there minorities in your class? A significant number?

Ms. Harmon: No. There were probably fewer than five.

Ms. Feigin: And in socio-economic terms, was it diverse?

Ms. Harmon: I had applied very late, as I think we talked about the fact that the woman who was head of the school wouldn't let me apply until I decided I was going to go there. So I applied right at the deadline. And I was put in a dorm that was one of the new dorms and I was not in the preppie dorms. There were a couple of dorms that had a lot of people who'd gone to boarding school and were from affluent, WASPY families, and I was not in that kind of a dorm. My dorm had almost entirely women from academic families. My roommate's father worked for the World Bank or the IMF, something like that and we were the only two people in our class in the dorm whose fathers were in business. So it was all white, and of course, it was all female. And it was middle-upper-middle class in the sense that everyone's parents were professional, in most cases.

Ms. Feigin: And what did you major in?

Ms. Harmon: I majored in history and as I think back on it, I think it was probably a mistake.

Ms. Feigin: Because?

Ms. Harmon: Because I probably would have done, been more interested in, and used in my life more, political science or economics. But I think one of the reasons that I didn't choose either of those was my discomfort in some of the class situations. Henry Kissinger taught the Introductory Gov class, and I just couldn't stand him. [LAUGHTER] And I just didn't see how I could sit through all those hours of lectures. And economics, I did very well in the very beginning and then only moderately well later and I think if I'd had more self-confidence to say I need a tutorial, I need to understand this better, I would have done fine. But I hadn't been trained to take responsibility for myself in that way.

Ms. Feigin: Does your experience being where it was so overwhelmingly male but yet there was a female presence, does that give you any thoughts about what you think of women's colleges as an alternative route at that time and now?

Ms. Harmon: Yes. I have a variety of thoughts. I chose not to go to a women's college because I felt that it was a limiting environment and I wanted to be in a broader world and I certainly felt the world, the adult world, is co-educational. And I had been in a girls school all my life. I also didn't want to be in a place where there was social pressure to have a date every weekend. And if you didn't have that date, you were an outsider. And a college where everyone left on weekends. So for those kinds of reasons, I didn't want to go to a women's college, but I do feel, and I know from my friends who went to women's colleges, that for us at least, the differential ability to have leadership positions and to feel empowered to ask questions and I never quite put it this way before, but take responsibility for yourself and for your education, is different.

Ms. Feigin: And would you say that it is the same now as it was then?

Ms. Harmon: I think it's different. Looking at my daughter, who went to Brown and then Duke, and had gone to a co-educational school from nursery school on, and been imbued with the idea that women should take responsibility for their own lives, I don't think she suffered in the same way.

Ms. Feigin: And while there were obviously negative role models among your professors, where there some professors who were your mentors and became significant in your development?

Ms. Harmon: The person who reached out to me, I didn't take advantage of; I don't know why. Jill Ker Conway, who was the section leader in a class that I took freshman year and I was having a lot of trouble with writing, and she reached out to me and tried to help me.

Ms. Feigin: For those who may not know, could you tell who she is.

Ms. Harmon: She went on to be the president of Smith College and she is a well-known writer. She wrote about her childhood growing up in Australia and has been both an academic and a leader in academic circles. And I think I was just too scared and too embarrassed that I wasn't a better writer, and I didn't see the idea that she was reaching out to help me as an incredible gift that I should have taken advantage of. I just didn't get it.

Ms. Feigin: So were there any that did become mentors?

Ms. Harmon: No.

Ms. Feigin: And since you pick her, that leads me to ask, was there a significant number of faculty that was women?

Ms. Harmon: No. Very few. There was one history teacher, Hannah Arendt, who is very famous. But by and large, no.

I think I'm not really giving a fair picture of my college career. I've indicated that I was poorly prepared in high school and not a superlative student, but I did have a variety of successes.

At Harvard/Radcliffe, we all participated in sophomore tutorials which were small sessions with tutors or professors, and in the case of my major,

history, we focused on historiography which is the theory and craft of writing history. As a bit of background, history was probably the most popular major in Harvard/Radcliffe at that time. As is true of everyone, my mind grasps some things more easily than others and I was fascinated by historiography. At the end of the year, all of the history majors took a written general exam and I got the second or third best grade out of all of Harvard/Radcliffe. I'm very proud of this even though I realize some other people may not have taken it as seriously as I did.

Ms. Feigin: Were you politically active in college?

Ms. Harmon: Yes. I was involved with a circle of friends who were very far left of center and friends who were very active in SDS.

Ms. Feigin: Let's identify that.

Ms. Harmon: That's Students for a Democratic Society, which was an organization that was founded about '63 probably, and was a very important organization of what was called the New Left to contrast with the Communist and other groups of the Old Left. And I went to their meetings and I went to their action center in Roxbury, which is a poor, substantially African-American section of Boston, where they were doing community organizing. And I hung out with those people.

One of my roommates my senior year was actually a member of the Communist Party. It's hard to believe that there were many Americans who were still in the Communist Party in the '60s and the number was small. But she'd grown up in this world and she just couldn't quite bring herself to reject it,

even though there were so many things that had come out about Stalin and different things in the Soviet Union that might cause someone to look for another institution that would have the values that she liked, but not the values that people abhorred.

Ms. Feigin: How did it play to have become so much more left during college, when you'd go home?

Ms. Harmon: I didn't mention it too much and I wanted to go down to the South and I was told no.

Ms. Feigin: For the [Civil Rights] marches?

Ms. Harmon: For the marches.

Ms. Feigin: And was told no by?

Ms. Harmon: My father, particularly. And it would have been a pretty big rupture. One summer I worked in a – I'm struggling to come up with the name of it –it was like a Freedom Summer Enrichment program for children.

Ms. Feigin: Where you taught the poor children?

Ms. Harmon: Yes. And it was great fun. The most interesting thing about it was, of course, one was trying to get them to read and get excited about books and the Greek myths were very real to them because they had so much sex and violence. And that, of course, was their life at home. And so they really got into this, and so they were wonderful students when you figured out a way to give them something that could be meaningful to them.

Ms. Feigin: At that point in your life, what did you envision you would be doing? Did you think about having a career or what were you planning for?

Ms. Harmon: For many years, I thought I wanted a career but for a reason that probably doesn't sit very well with my feminist friends. My mother was high-strung in a way. And frustrated. She would have been a very good executive and sometimes it was hard to live in the house with this high-strung, somewhat bossy, person. And I felt that I had enough of her characteristics that I knew that I needed a life outside of the house. And so one of my thoughts was just to give my life more balance. And I didn't know what I would do. I initially had thought I might be a chemist but then, because I hadn't been prepared well enough in high school, and I didn't figure out ways to get tutoring or help myself overcome those deficits, and I just had my feelings hurt, I just sort of moved on. And then law school seemed to me an obvious choice because of my interest in politics, interest in the Civil Rights movement.

At that time, people looked at law as a medium of social change. And I knew it was something that I would be able to do pretty well. And so I considered two different careers after I gave up chemistry. I considered being a psychologist or being a lawyer. And the year after college I had a job in the counseling service at Boston University giving psychological tests. I found it boring. I questioned the validity of many of the conclusions that were being drawn.

I'll tell you an incredible story. I know I keep telling incredible stories but they're true. We gave our services to students at BU [Boston University] and

then some miscellaneous set of people from the community. And a young man who was a student at BU came in. And I gave him all these tests and IQ tests. The theory was that the spread between the different subtests on the IQ test could teach you a great deal about someone's emotional, as well as cognitive, makeup. And I thought he was a very troubled person and I presented him to the staff meeting we had once a week with a senior psychologist and then a psychoanalyst who came in from somewhere else in the University, probably from the medical school. And I was told he's fine. He has friends, and he will be a good librarian. He is introverted, but he's not off the charts. And then about three months later, I was driving in my car and I heard on the radio that he had set himself on fire outside the United Nations. This was a way that Vietnamese priests, but also some Americans who were deeply opposed to the war, were protesting the war. And I went back, of course, and looked at the materials. And within the tests that we gave him, one was called a "thematic apperception" test in which you write a little story about different pictures and then there's a blank page, and you write a story that you want to write and the story he wrote on the blank page was about someone setting themselves on fire. And for that, and other reasons, I decided to go to law school.

Ms. Feigin: Before we leave college, am I correct in thinking you met your husband when you were in college?

Ms. Harmon: Yes.

Ms. Feigin: Tell me about that.

Ms. Harmon: And I want to say some more things about the experience of being a woman there. There was a library. Most of our classes were entirely in Harvard Yard. There was the undergraduate library which was known as Lamont and that's where the books were on reserve for the classes that we were taking, except women could not enter the library. We could go to Widener, the big university library, but they by and large didn't have on reserve the books we were reading. It was more of a research institution for graduate students and had plenty of rooms where you could study if you brought your book, but it was not a place where you got those. So women either had to go there and do something, or walk all the way back to Radcliffe Yard to where our books were on reserve. And there were protests about it and arguments about it, but it was never changed while I was an undergraduate.

Ms. Feigin: The time you were there, I think, correct me if I'm wrong, slightly preceded the Women's Movement, or it may have just been starting.

Ms. Harmon: It was the beginning of the Women's Movement.

Ms. Feigin: Was there a sense that if any place it might have started, that might be it?

Ms. Harmon: Yes.

Ms. Feigin: Was there a sense of this burgeoning movement?

Ms. Harmon: Yes, there was. And there were people who I knew very slightly who were subsequently active in the women's movement in New York and stuff like that. So there was a small sense of it. But a lot of it came later and, I mean I'm not the only one who didn't get it.

Ms. Feigin: No, of course not.

[LAUGHTER]

Ms. Harmon: But I had an extraordinary experience before our 25th Reunion. I did indeed marry someone who was in the class and I'll talk about that in a moment, but the story I want to talk about is he and I were invited to kind of a pre-reunion event. And I have this very specific memory of coming to work and walking from the bus stop and suddenly realizing that I was going to be treated as a wife and not as a graduate. I started to cry and all the things, all the indignities came just flowing back. Of course I was angry that I couldn't go in Lamont, but the full force of it all just came back and I don't think I could have handled it if I had felt it as intensely when I was there. I think I would have had to leave or I couldn't have handled it, but it all came flowing back. And when we went to these parties, it did not say, "Gail McGreevy Harmon, '65." It said "John Harmon, '65".

Ms. Feigin: This is 25 years later and still—

Ms. Harmon: Yes. People came up to me in the event and some people said, "Were you in our class?" I remember having conversations with them in which I said, "Yeah, and I took the same exams and I went to the same classes and I'm a graduate of this place."

Ms. Feigin: Was this your 25th reunion as well?

Ms. Harmon: Yes, yes. The event was a Harvard event. It was not a Radcliffe event.

Ms. Feigin: Tell me about meeting your husband.

Ms. Harmon: Well he was actually one of the people in that chemistry lab but I think I was a little scared of him. The way I got to know him freshman year, primarily because after I had done poorly in a writing course, the dean, who never gave me much help, said change writing courses, get in another section. This just isn't working. Your SATs and Achievements are too good for this. There's something wrong. So I got into this different section, someone who was much more emotional in the books he had us read and the kinds of things he wanted us to write. And I remember very specifically having a sense about John, that he was very smart, but I couldn't understand the way that he thought because I had been in girls schools for so long and my brother was so much older than I was and yet I had this very specific feeling about him. And we were interested in each other. The English class immediately preceded the chemistry class so the question was, would we walk together or we would walk separately from one to the other. Sometimes we'd walk together and sometimes we'd walk separately.

At the end of that year, I had a boyfriend who was a senior and he was graduating. He was in that senior graduating turmoil, trying to figure out what he was going to do in his life and he decided we should get married. And I knew this wasn't a good idea and we were sitting on the steps of one of the buildings in the Harvard Yard and I was trying to struggle with why this wasn't a good idea. And the bells rang and the classes changed and everybody's walking in front of us and I said, "The reason I can't marry you is that I'm so unformed, and I could be happily married to a whole lot of different people and

go a number of different ways and in fact, I could marry that guy.”

[LAUGHTER] Now, as John always points out, I did say it about two people who were in that English class, but I definitely identified him as someone whom I could marry.

Ms. Feigin: And, not to jump ahead too much, but when did you get married?

Ms. Harmon: Well, I did not go out with him until after exams senior year. And then we got married the following June.

Ms. Feigin: So before you went to law school?

Ms. Harmon: Immediately before I went to law school.

Ms. Feigin: And is there anything else we should discuss about your pre-law school time or should we go on to law school now?

Ms. Harmon: Why don't we move on to law school?

Ms. Feigin: Would you rather do law school next session?

Ms. Harmon: I'll tell a fun thing about admission to law school and then let's do it next session. Because I know you went to NYU Law.

Ms. Feigin: I did.

Ms. Harmon: John was in medical school in New York so I applied to schools in New York. I applied to NYU and I applied to Columbia. And there is, there was a program at NYU, called the Root Tilden. So I applied to be a Root Tilden scholar and I said I did not need the financial assistance but I wanted to go to the seminars. And they wrote me a letter and said I couldn't sit in the seminars. And I wrote them an

incredibly angry letter and I don't know what I said, but whatever I said, they neither accepted nor rejected me. They just threw out my application.

Ms. Feigin: We should make it clear why you couldn't sit in the seminars.

Ms. Harmon: The reason that I couldn't sit in the seminar was that I was a woman. Root Tilden was not open to women. I could understand that there might have been terms in a deed of trust that would have prohibited scholarships to women because that was something that was very common in that period of time and those deeds had not been broken. But the idea that I couldn't sit in a room and participate in a discussion and that they were going along with that, was so shocking to me and made me so angry, and I don't know exactly what I said but whatever I said, I said very forcefully. [LAUGHTER] And so I ended up going to Columbia.

Ms. Feigin: Maybe we should leave with this last point, but I know that at that point in time, there were not many women in Columbia. Do you have any recollection of the numbers?

Ms. Harmon: Yes. I think, and you've also asked about minorities, so the two numbers are interesting. I think we were about 5% women and 10% minority.

Ms. Feigin: Law school would be a good starting off point next time.

Ms. Harmon: Yes.

Ms. Feigin: Thank you very much for today.

Ms. Harmon: Thank you.

**ORAL HISTORY OF GAIL HARMON
SESSION THREE
OCTOBER 13, 2009**

This is the third interview with Gail Harmon for the ABA Women Trailblazers in the Law Project. We are at Gail's office in Washington, D.C. It is October 13, 2009 and the interviewer is Judy Feigin.

Ms. Feigin: Gail, when we left off, you had just entered law school as a newlywed.

Ms. Harmon: Yes.

Ms. Feigin: So your husband was in medical school at the time?

Ms. Harmon: Yes he was, at Columbia.

Ms. Feigin: And you were at Columbia so did you live up by the school?

Ms. Harmon: We lived up by the medical school, which is at 168th Street while the law school is at 125th. And that's significant in the sense that I was not as much part of the campus community, perhaps, as I might have been if I'd been single and living in a dormitory.

Ms. Feigin: You told us there were not many women, not many minorities. Were there women teachers?

Ms. Harmon: There was a mysterious woman teacher, who I never had, and I think she only taught in the international law program. I never heard of anyone taking a course from her. She had a short first name like Nina or something like that and she was a mysterious person.

Ms. Feigin: And she was the only one?

Ms. Harmon: And she was the only one.

Ms. Feigin: Tell me what it was like to be in law school. Let's put this in time. What is the year that you began?

Ms. Harmon: I began in 1966 and as I said there were about 5% women and we were certainly considered oddities. And people didn't know how to deal with us so one way that guys dealt with us, with me, and to some degree with others, was by treating us as cute. I found out later that I was known as "Cuddles." [LAUGHTER] And that was a great way to marginalize me and put me in my place because I could also tell that people saw that I was smart but calling me Cuddles put me in my place.

Ms. Feigin: That was by your fellow students?

Ms. Harmon: That was by the male students in my class. I found this out from a woman who was a year behind me who was married to one of them.

Ms. Feigin: Did you feel there was a difference in the way that you were handled by the professors?

Ms. Harmon: I guess I felt two things. There's one very funny story and then I felt that the professors didn't take me or the other women seriously. You could just tell that by the way they asked a question. At this time in law school education, all the classes were very large and taught with a Socratic method. So the professors either went down the alphabet or randomly selected people to ask questions. You stood up and they asked you questions. I think it was meant to intimidate you. And the professors did treat the women a little differently, just in their tone of voice. The funny story, that is just shocking when you think about it, was I was called on in one of these and he only had my last name. And he said "Is it Ms. or Mrs.?" And I said Mrs. And he said "Aw shucks." [LAUGHTER]

Ms. Feigin: Oh no!

Ms. Harmon: Yes. This was Professor Arthur Murphy and I recently saw him, within the last five years or so, and told him this story and he was appropriately embarrassed.

Ms. Feigin: We should probably explain to people who might not know this. At the time Ms. was probably not much in use, is that correct?

Ms. Harmon: Ms. was not much in use at all. Can I jump ahead?

Ms. Feigin: Sure.

Ms. Harmon: I have a story about Ms. in the first law firm where I worked. The office manager gave me a sign with my name to put outside my office and it was Mrs. I was a little offended that she hadn't asked. I put a piece of tape over the R.

[LAUGHTER] She was terribly offended and she said to me, "I hoped all my life to be a Mrs." Now, I think that's a very dramatic story both about how people of my generation wanted to take our personal lives out of the workplace and how we ended up offending deeply other people.

Ms. Feigin: Before we get to your first job let's talk a little bit more about law school. Did the women band together?

Ms. Harmon: Only a bit. I was very close friends with a woman who was also married to a doctor and didn't live on campus and was quite a good student and we kind of naturally found each other. I'm now very close friends with one of the women in my class who I hardly knew. Her name began with a very different letter. She was an A. My close friend was a G. So G and H were closer together. Women did not band together. There was one person who was very offensive who was

aggressive and was considered to have hidden library books when we had certain legal research tests. I think that created a bad feeling.

Ms. Feigin: That person was a woman?

Ms. Harmon: That person was a woman. We did not band together.

Ms. Feigin: We should probably also say just for the record, for people who might not realize it, this was in the days before Westlaw so the book was the only way to get the information, correct?

Ms. Harmon: Yes.

Ms. Feigin: You want to tell me a little bit more about what first year was like and then let's talk about some of your summer jobs?

Ms. Harmon: Yes. My first experience in first year was that I was quite shocked by the emphasis on facts. In college I studied concepts. I was a history major. I knew how to fit facts into concepts. But it seemed like the professors were telling us this is all just facts, facts, facts, facts. They were trying to make a point.

Ms. Feigin: Did they ever tell you or try to direct women into certain fields of law?

Ms. Harmon: No, but they didn't direct me in any way.

Ms. Feigin: Did you think they directed the men?

Ms. Harmon: I think there were a set of men who were heading to Wall Street who were directed, yes. Through professors and through people who they knew in older classes, but I never felt particularly directed.

Let me tell you a little bit about the building because I think that that's relevant to perhaps why the women didn't have more of a community. The building was designed in a way that there were no places for people to mingle.

There were a few couches, enough room probably for six people to sit outside the library. And then down on the main floor where there were most of the lecture halls, there was quite a small area with vending machines. There were a couple of women who I visited with in the vending machine area. Then there was at least one eating club off campus and a dormitory where the people who lived in the dormitory ate. But the architecture did not encourage community. The most remarkable thing was that there were two sets of elevators, one for the faculty and one for everybody else. You did not know what these architects were thinking. It is bizarre. And of course this is in a city where the university was known to have a lot of commuter students and in '68 when there were the student riots at Columbia there were discussions of Columbia-specific issues as well as the big public policy issues of race discrimination and the war. But the Columbia-specific issues included the fact that it was a commuter college with a chip on its shoulder. And you would have thought that the administrators could have figured out those problems when the building was built. The building was built fairly recently, let's say '55, no, probably '60.

Ms. Feigin: Were you involved in the student riots?

Ms. Harmon: No.

Ms. Feigin: Did they affect the law school?

Ms. Harmon: Yes, the law school was closed.

Ms. Feigin: This was end of your second year?

Ms. Harmon: This was the end of my second year. The school was closed for a while. We didn't have exams. The riots were mostly on the undergraduate campus but it

closed the law school as well. And within the law school there were two distinct groups of people. There were people who had gone to Columbia who were trying to protect Columbia as an institution. And there were the more radical students. There was a trial of a student that I found very offensive.

Ms. Feigin: A law student?

Ms. Harmon: A law student. And there was a question of disciplinary action. I don't think he was ever going to be kicked out. I don't know exactly what the disciplinary action was. My memory is that the trial was pursuant to procedures that had been in place before and there was a set of people who just tried to scream down the process. I found that very offensive.

Ms. Feigin: When you say a trial, this was within Columbia? It was not a criminal trial?

Ms. Harmon: It was a disciplinary action by a board that probably included both faculty and staff. And pursuant to some kind of process I believe that they'd had in place before.

Ms. Feigin: Did the riots polarize the school into two camps?

Ms. Harmon: The "Free Gus" movement polarized the school. There was a huge middle. There were the people who were screaming, trying to drown out the process with their cries of "Free Gus."

Ms. Feigin: Gus was the student?

Ms. Harmon: Gus was the student who was being disciplined. There were the people who were trying to protect Columbia but they weren't apologists for Columbia. They weren't particularly my friends but they were kind of solid citizens who were looking out for the best of the university. They weren't endorsing the actions of

the president. They were not endorsing bringing police onto the campus or anything like that. And then there was the big middle.

Ms. Feigin: Before we get off that, just for people who may not be familiar with what the riots were in '68, you want to explain a little bit about what was going on on campus?

Ms. Harmon: Sure, yes. This was the time of the Vietnam War and of course the time of the Civil Rights revolution. It was 1968 and it was, I think it was before [Martin Luther] King was killed. No maybe it was after because it was later in the spring. The specific triggering event was that there'd been a plan to build a gym in Morningside Park, adjacent to a cliff that literally separated Columbia and the whiter parts of that section of New York from Harlem. There were issues about a lack of community access and taking parkland for private use and things like that. I think the triggering event was related to the gym. Certainly the gym was a big part of that. The most shocking thing that happened when the buildings were taken over by the students was that the New York City police were called. It was really interesting in the fact that this was the first time I ever saw The New York Times acknowledge that police brutality existed because the police were suddenly beating up white middle class kids rather than black kids. The brutality was all over the papers of course. In addition, there was a great feeling of freedom and a new world of possibilities. A funny example is a couple who got married during the occupation of the buildings and changed their name to the name of the hall that they occupied.

Ms. Feigin: Okay. That was second year. Let's go a little bit back to first year. Let's talk about something that's always a big issue for first year students--looking for jobs in the summer.

Ms. Harmon: Yes.

Ms. Feigin: What was that like, especially as a woman?

Ms. Harmon: I was not interested in a job in a law firm and I'm not exactly sure how I did this but I did this through some organized process. I got a job in a legal services office in the Bronx which didn't have as much law as now I wish it had. But of course I was a first year student. But I did enjoy my relationships with the other people in the office and seeing what legal service practice was like and the challenges of it and the commitment of some of the lawyers.

Ms. Feigin: Were they representing people in criminal cases and or civil?

Ms. Harmon: Mostly civil. A lot of landlord tenant and domestic relations primarily. So a very routine law practice. I did in-take interviews and sort of shadowed one particular lawyer mostly. And did a little bit of low-level investigation of what an apartment was like. And went to court with her, but the court proceedings were very summary.

Ms. Feigin: Although you weren't interested in law firms, just so people understand what the times were like. Do you remember what law firms were paying in those days?

Ms. Harmon: No, I don't, but I'm sure it was very little.

Ms. Feigin: Was your experience there formative for you in terms of what you ultimately went on to do, or not?

Ms. Harmon: It didn't kill my interest in legal services which it could have because it was pretty pedestrian. I really admired the people who were doing it. After law school I did look for a job at a Boston legal services program, one of the better legal services programs, but I didn't get it. So it was useful in helping me think about what I wanted to do.

Ms. Feigin: At that point what did you think you wanted to do?

Ms. Harmon: Most broadly put, some kind of good guy law which could have been in the government, it could have been in a legal services program. It was not very precise. But I was pretty sure I didn't want to work in a law firm. Or at least a corporate law firm on Wall Street.

Ms. Feigin: And, the second year of law school -- anything significant to tell about that period of time?

Ms. Harmon: I think I enjoyed the classes much more. I found them more interesting and was more engaged in them. I took a range of classes because I wasn't sure what I wanted to do so my classes weren't directed to a particular career objective. They were much more focused on who was a good professor or what was interesting and I think that probably stood me in good stead in terms of learning how, as they say, to think like a lawyer. But I liked evidence and conflict laws a great deal. I took unusual classes. I think it was in my second year that I took a class on the legal rights of poor people and wrote a paper on the appropriateness of public housing authorities excluding women who had children out of wedlock. I was in that seminar with a couple of the guys who were my friends. I enjoyed that a lot. I also took a class on the sort of institutions that make private law, such as rules

made by trade associations setting requirements for professions or governmental bodies establishing regulations. That was quite interesting.

Ms. Feigin: It sounds like first year there wasn't any real attachment to your professors. Was anything better the second year? Any mentoring?

Ms. Harmon: I would say warmer relationships but not really mentoring.

Ms. Feigin: And what did you do after second year?

Ms. Harmon: My husband had an opportunity to go overseas and work in a hospital in Africa and I was sufficiently ambivalent about what I was going to do as a lawyer that that's what I did. So I didn't have the second year job that most second year students had.

Ms. Feigin: Where in Africa were you?

Ms. Harmon: We were in up-country Liberia quite a few miles beyond the paved roads in a missionary hospital that was just fascinating. I wanted to do something that had a little more content to it. Through someone who I knew in law school who'd been a Peace Corps volunteer in Liberia I found a professor at Stanford who actually studied the law of the tribes in that area. I read some of his papers. We visited him from time to time and I did a sort of simple project for him on the thing that he was currently interested in which was who chose to use the western hospitals and who used the native medicine.

Ms. Feigin: How formative was that experience for you? Was it just a moment in time or would you say it carried through?

Ms. Harmon: Gibb's research was very interesting to me because as I said I'm interested in institutions that make law.

Ms. Feigin: Gibbs is the professor?

Ms. Harmon: Gibbs is the Stanford professor. He studied the local, you could call it a court system, where family law issues were resolved by the community rather than by judges using rules of evidence. That is something that at one point in time became a very popular idea in the United States, that there should be more community participation in resolving family law conflicts. The other thing that he studied which was very interesting was that this was a nonviolent society. You did not see people coming to the hospital with wounds after fights. The way the people went after each other was to sue each other for very small amounts of money, and it was the use of the courts that was just fascinating. I loved the West Africans. The West Africans are warm and friendly people. I think that my experience there certainly enhanced my feelings about racial justice and my comfort with African-Americans. The tragedy of Liberia since then, and Liberia and Sierra Leone have been racked by war and brutality, is entirely different from anything we ever saw there. We never saw anyone who was violent.

Ms. Feigin: You were there right after, if I'm correct, the assassinations of both Martin Luther King and Robert Kennedy.

Ms. Harmon: Yes.

Ms. Feigin: I wonder whether or how that impacted either your experience here before you left or over there? Whether that was something that they talked about?

Ms. Harmon: They liked the Kennedys, as a big man. I remember one particular conversation with someone about that. I do not remember much beyond the obvious about Martin Luther King. There's an interesting story about a classmate of mine in law

school and the impact of the King assassination. This was someone who was of West Indian background who grew up in New York City and was very smart, went to Hunter High School which is an academically selective high school.

Ms. Feigin: Only for girls in those days.

Ms. Harmon: Only for girls in those days. And then she went to Wellesley, again a girls school and then she was in Columbia Law School. She and I were not close friends but we sat together sometimes and chatted. She told me that she was getting married to a West Indian and she was very frank that she would never marry an African-American. That they were entirely different than the West Indians. This was probably in February of 1968. Martin Luther King was killed during the time we were out of school on spring vacation. When we returned to class she was a different person. She saw herself as part of the African-American struggle. It was really a remarkable change.

Ms. Feigin: Third year. Now is the time people are trying to look for serious jobs.

Ms. Harmon: Yes.

Ms. Feigin: So can you tell me what that was like for you and also if you can a little bit for the other women that were in your class.

Ms. Harmon: For me, I was dependent on where my husband was going to get an internship. I did not seriously look for jobs until the spring. For other women, a few of them got jobs at big firms.

Ms. Feigin: Was that hard for them to do?

Ms. Harmon: I think it was hard for them to do. I don't remember us sharing stories. I had a remarkable, horrible experience when after it was determined we were going to

Boston, I started looking for jobs. I applied for a job at the Boston Redevelopment Authority which at that time seemed to be doing some interesting good things with communities. I had an interview with the General Counsel. I had my résumé and my grades and all the appropriate documents. We talked for a while and then he said “You’ve got better grades than the other people I’m thinking of hiring, but we already have a woman and I don’t want a petticoat parade.”

Ms. Feigin: [GASP] What was your response, because of course the times affect your response as well as the statement.

Ms. Harmon: Yes, right. Well I was hurt and horrified and angry. And at a later date I filed an affidavit in a sex discrimination case against the Boston Redevelopment Authority. I think too much time had passed for me to be a plaintiff but it was an interesting piece of evidence about the pattern and practice of their behavior. I just felt discouraged. What am I going do? I don’t think I want to work in a big firm. There are a limited number of government jobs. I applied to be an Assistant AG in the Massachusetts Attorney General’s Office. I think I didn’t understand the role of political connections and it went nowhere. I ended up with a job at a planning agency in the law enforcement area that had been created by Elliott Richardson who was Attorney General of the United States and also Attorney General of Massachusetts and a beloved progressive figure. I had a job in juvenile justice and juvenile delinquency prevention and control. That was my first job after law school.

Ms. Feigin: I want to hear about that job but before I do there is just one more question about looking for jobs. Do you have any recollection about clerkships and what it was like for women looking for clerkships in those days? Were they able to get them?

Ms. Harmon: I don't know. It crossed my mind to apply but I wasn't able. I didn't feel free to go to a variety of venues; it didn't just make any sense. I do not know of any woman in my class who got a clerkship. I know one guy who got a federal district court clerkship even though he didn't have good grades because a friend of his had had it the year before.

Ms. Feigin: Did the women do well in law school by and large?

Ms. Harmon: By and large. My friend Eve, the woman who was married to the doctor, who was the person who I was closest to was on the Law Review. She did extraordinarily well.

Ms. Feigin: Did she get job opportunities?

Ms. Harmon: She was also dependent on where her husband got an internship. I should explain that internships at that time were handled by a computer match and so even though you had interviews and maybe good vibes or not good vibes at a particular place, you did not know where you were going to get an internship until one magic day in March when the computer spewed out all the decisions. You were prohibited from making a commitment and they were prohibited from making a commitment, so there was no way for the young doctors to make plans ahead.

Ms. Feigin: So you went to Boston just for a one year commitment for internship or was it going to be longer term?

Ms. Harmon: It was a long term commitment for the job.

Ms. Feigin: Tell me about your job.

Ms. Harmon: Well my job was fun in the sense that I cared about troubled kids and I was interested in studying and writing reports and thinking about learning about ways to divert kids early from the criminal justice system. The problem with the job was this was an agency full of very bright, young, liberal lawyers by and large who did not know how to work with the entrenched political establishment in the Massachusetts criminal justice system. People who were head of probation or parole were political figures who had had those jobs for many years and worked their way up. They were protecting the system. They weren't interested in changing it. My husband's joke was that we would offer two tanks and a flame thrower to a local police department in return for having a police sensitivity training program. [LAUGHTER] So, it was intellectually interesting and the guy who ran it had had a joint degree in planning as well as law from Harvard and was a smart planner. This was a planning agency. But planning can only take you so far. Then you want to implement it. You want to do something with it and as the year went on it became increasingly clear to me that that was something this agency was incapable of doing as it was constructed.

Ms. Feigin: How long did you stay at this job?

Ms. Harmon: A year.

Ms. Feigin: And after that?

Ms. Harmon: After that, I was interested in changing my life. There were two obvious ways I could change my life. I could have a baby or I could get a new job. I proceeded down both tracks simultaneously. I applied to some law firms because at that

point I realized that a lot of the law firms in Boston were very, very different from New York law firms and that I might find a congenial one.

Ms. Feigin: Different in what way?

Ms. Harmon: Less corporate, politically much more simpatico to me. The firm where I went all the senior partners were against the Vietnam War and went to Washington to lobby against the Vietnam War. Lifestyles that were more compatible with a sane life and a broader range of practice than just corporate and securities law. So for a variety of reasons it just seemed to me that that might be a more compatible place for me to work than I had previously thought. It turned out that when I got the job I also discovered I was pregnant. I was quite serious about wanting to work part-time if I had a little child. So I called them up and I told them you know I'm going to want to work part-time. This was a firm that only hired two associates a year. It was a well known firm in Boston with about 35 lawyers. Very different than the pattern of law firms today. I realized that if you were hiring two associates a year the two were quite important to you. I said I realize I'm changing the contract. You wanted someone five days a week. I'm only going to work three days a week or three fifths time. So I gave them the chance to get out of it. They didn't take it.

Ms. Feigin: Of those 35, how many were women at that time?

Ms. Harmon: Oh, I was the woman.

Ms. Feigin: You were the first?

Ms. Harmon: There had been another woman for maybe a year or so. I never discovered much about her except that it kind of didn't work. And they didn't want to talk much about it.

I have another story as part of that job search. I went to another well known law firm in Boston and had some interviews and liked the people very much. And then I was told with apologies that I had to go meet the senior partner who was a cranky old guy. I didn't quite understand why they were sending me these signals about him but I went in and I talked to him for a couple of minutes. He looked at my grades and then he said "Did you get those grades because you were pretty?" And at least I stood up for myself and I said Columbia, like all major law schools, grades its exams blind. And that ended the interview. I did get the offer.

Ms. Feigin: You did?

Ms. Harmon: Yes, but didn't take it.

Ms. Feigin: So I guess you began five days a week and then pared back?

Ms. Harmon: Yes.

Ms. Feigin: Were you doing pro bono work there as well as the traditional work?

Ms. Harmon: Both Roger, the young man that started when I started, and I were unassigned, which meant that we did a little bit of everything. I did some corporate work. I did quite a bit of tax work. They had a good tax department and I liked the people in the tax department. It had a big mutual fund department. They did a lot of securities law and as a woman I got stuck a bit in what you call blue sky law

which is registration with the states rather than with the Securities and Exchange Commission. It was very tedious and very much a matter of filling out forms.

Ms. Feigin: Do you think that was because of your gender?

Ms. Harmon: I think it was absolutely because of my gender.

Ms. Feigin: And your interest in tax law - obviously, you've made this a part of your career. Was this the beginning?

Ms. Harmon: Yes. This was the beginning. I joined this firm in 1970 and there had been a huge change in the tax law regarding charities that was passed in 1969. So there was a lot of legal work which was associated with compliance with the changes. In Boston there is a huge old philanthropic community and this law firm represented a lot of big charities so there was a great deal of work to do. One notable one that I worked for was the Paul Revere House. They had a question of accumulation of income, you needed to have a fund for a rainy day. The firm represented some very wealthy families that were involved with some big charities and some smaller charities and I happened to get along very well with the people in the tax department. There was an older man, a senior partner, who liked me and I remember him. We had weekly meetings and I remember him asking me a tough question and saying "I want to spar with you." And the person who was my mentor was a very nice, very kind, very smart gentle man named Fred Herbrick who had a very strong wife and was very helpful to me when I worked part-time.

Ms. Feigin: So to get to the part-time: You were there nine months and then had your baby.

Ms. Harmon: Yes.

Ms. Feigin: And in those days was there any maternity leave policy?

Ms. Harmon: I have no memory. I suspect not.

Ms. Feigin: So, what did you do? How long did you take off?

Ms. Harmon: I think I took off three or four weeks.

Ms. Feigin: And then what did you do as a practical matter, in terms of the balance of life that women have to juggle. How did it work with the baby?

Ms. Harmon: We found a wonderful babysitter who was an older woman and who worked out very well. Initially I worked five short days and then as things changed, like when he went to nursery school, I changed to work three days a week.

Ms. Feigin: How long did you stay at the firm?

Ms. Harmon: I stayed there for five years until we moved to Washington. The firm changed over the course of time. It merged with another firm and became more aggressive, more economic in its value system. The firm had been a very good firm, very high quality firm, but not a high pressure firm.

Ms. Feigin: Tell me how your experience there shaped the lawyer you have now become.

Ms. Harmon: I learned a lot of the technical elements of the tax law as it applies to nonprofit organizations. That's the most important thing so that when I came to Washington and I still wanted to work part-time -- at that point I had two children -- I had a niche skill that was marketable because I could do some things very well. I used that. First, I got a job at a big firm which I hated. The first day that I was there, I was given a pile of papers involving Robert Vesco.

Ms. Feigin: Please explain to future generations who he was.

Ms. Harmon: He was a financial crook and there was some charity that he was associated with.

I was given this big pile of papers and as I was going through it sitting on the couch at home all I could think of was I never want to go back. I knew that if I didn't go back after one day that that would burn a lot of bridges.

Ms. Feigin: For yourself?

Ms. Harmon: For myself.

Ms. Feigin: Or were you thinking about it in the broader sense of perhaps for women?

Ms. Harmon: No, no. I was thinking about it for myself. Maybe I should have thought of it in the broader sense, but I only thought of it for myself. One of the things that I could say was that I was responsible and if I could no longer say that then I could be tarred with the brush of not being serious about my career. It was used for a lot of women at the time. The law firm had had a summer associate whose name I won't mention but who is known in the women's' community and who spent the entire summer planning her wedding. She subjected future women to all of the stereotypes. It was quite terrible. But at that point I wasn't really thinking about anything other than myself, I have to admit.

Ms. Feigin: Before we get to that new job I just want to go back one step to cover one more thing. Those five years that you were in Boston were formative years for the women's movement.

Ms. Harmon: Right.

Ms. Feigin: Consciousness raising groups and all these things. Were you part of any of that in any way? Obviously you had a young family and you were juggling a lot, but. . .

Ms. Harmon: Not in a political way but a story that is interesting for people is that some women lawyers formed the Lady Lawyers Lunch.

Ms. Feigin: This is in Boston?

Ms. Harmon: In Boston, and we could sit around one lunch table there were so few of us.

[LAUGHTER] And we became friends and supportive but not in a political sense.

Ms. Feigin: How often did you meet?

Ms. Harmon: Probably once a month. Couldn't have been once a week, but frequently and regularly. One person became quite a close friend. I'm the godmother of her second child who she said she only realized she could have when she saw how I was handling my two children. Several of those women have gone on to have important practices, to be partners in big firms. One was the president of the Boston Bar Association. They have gone on to do interesting things. But these were people who worked in traditional law firms and they were not part of an organized women's movement.

Ms. Feigin: What were the issues that were discussed at these monthly luncheons? What kind of things were problems or issues for women in those days?

Ms. Harmon: There were the issues of what kind of work you were assigned and what kind of opportunities you had. A wonderful story that I remember which is not directly related to practicing of law, but is a story of this person's experience. This person was having a baby and going to an obstetrician. She got very angry about the way she was treated and she said to the doctor "When I interview a client my client wears clothes and is treated as an adult. I am no longer going to be interviewed

by you undressed and in a humiliating position on the table.” So we were all finding our way but not in a kind of organized political way. Another part of my little bit of a women’s community was the wives of the other medical residents, most of whom stayed at home and complained. I was known because I took Jamie, and then Jamie and Eve, to the hospital to have dinner with John, and Boston City Hospital at that time was in a dangerous neighborhood.

Ms. Feigin: Jamie and Eve are your children?

Ms. Harmon: Yes. The hospital was hideously ugly, not a place where people would take young children. The only other woman who went and had a meal with her husband there regularly was Ellen Goodman who is a newspaper columnist who writes primarily on women’s issues. And then I made close friends with one other wife who also had a young child and there was some get-together at someone’s house for wives, and she and I, who both had demanding professional jobs, drove out there and discovered we were the only ones there. And I thought it was an interesting comment on the people who already had full and demanding lives, having the energy and making the time to try to do something else while the women who were staying at home and becoming increasingly bitter couldn’t find the time or the energy to go.

Ms. Feigin: I just want to go back to one thing you said about the monthly group. You said one of the things that was sometimes discussed was the kind of assignments women got. Can you elaborate a little bit on that? Did they feel that they were put into certain -

Ms. Harmon: I think it depended on who the person was, but I think several of them felt that they were being pigeonholed into the areas such as probate law which were traditional for women. Some of the others, frankly, embraced that. They were interested in it and they did it well and they never complained. I never had a conversation where I said anything like "Is this really what you want to do?" There were certainly some of us who felt that we were being directed into areas that weren't as interesting.

Ms. Feigin: And this is also a time when there were women's marches in the streets. Were you involved in any of that?

Ms. Harmon: Not until I came to Washington.

Ms. Feigin: Then let's move on to Washington. [LAUGHTER]

Ms. Harmon: I just don't know that there was much of that in Boston.

Ms. Feigin: So you've moved to Washington and you're in a firm where you're not happy and you've just begun. How did you handle it and what did you do?

Ms. Harmon: I persevered and I did what I needed to do.

Ms. Feigin: Persevered for how long with this firm?

Ms. Harmon: Less than a year. I got increasingly disgusted. In my neighborhood I had made a set of friends who were, broadly speaking, public interest lawyers. I enjoyed them and I enjoyed my conversations with them and their view of the law and I was impressed with what they were doing. One day I had just had it and I said to my friend "I just can't stand it. I have to leave; I can't bear to go back." And she stood up and called her husband over, this is a funny story. They whispered for a while. He came back and offered me a job.

Ms. Feigin: He was a lawyer?

Ms. Harmon: He was a lawyer in the predecessor of this firm.

Ms. Feigin: The firm you are in right now?

Ms. Harmon: Right. [LAUGHTER] And he said of course you'll have to meet some other people and we'll have to go through a process. But the firm had always done tax work for exempt organizations and he had previously been in the tax section of the Justice Department, and had done that work and now was doing more environmental law. So there was a need for my expertise and they'd gotten to know me and liked me and thought I was smart. That's how I came in.

Ms. Feigin: How large was the firm at that time?

Ms. Harmon: The firm at that time was probably six or seven lawyers. Let me go back and say a little bit about the beginnings of the firm. It was created as one of the first public interest law firms. But instead of being funded by foundations it was funded by legal fees.

Ms. Feigin: When are we talking about? When was it created?

Ms. Harmon: It was created in 1969. The theory was that if a foundation is funding you, you're really responsive to the foundation and not your clients. And if your clients are funding you, you're responsive to your clients. Now a problem with that model is a lot of the clients don't have sufficient funds. So the firm, off and on, had substantial financial problems. The time that I joined the firm, was one where there were financial problems, because someone who had been very successful at the EEOC was bringing a couple of cases that were going nowhere and eating up huge amounts of the firm's resources. The anti-nuclear power practice I think

was going pretty well because we represented not only community groups but some of the big national environmental organizations. Then one of the other partners who was particularly interested in wildlife issues did some of the nuclear work that she hated but also occasionally was able to get funds from the wildlife organizations to do cases such as seeking injunctions to stop wolf killing programs.

Ms. Feigin: We should say the EPA was a new organization at that point?

Ms. Harmon: The EPA was a new organization at that time. Litigation under the National Environmental Policy Act [NEPA] was new. One of the significant victories of this firm was that Tony won a case applying NEPA to the Nuclear Regulatory Commission and the actions of siting nuclear power plants.

Ms. Feigin: So this was a seven or eight person firm. How many of them were women?

Ms. Harmon: Two of us.

Ms. Feigin: And it sounds as if you were in the forefront of this new movement.

Ms. Harmon: Yes.

Ms. Feigin: And what was that like?

Ms. Harmon: It was exciting. The clients were exciting. They were public interest organizations that were doing great things. No there were three women, I'm sorry. The firm had been started by two men and a woman and one of the two men was married to a very strong woman lawyer. Should I start using names?

Ms. Feigin: Sure.

Ms. Harmon: The firm was started by Gladys Kessler, who's now a federal district judge on senior status, and Tony Roisman who was the person who won the NEPA case,

and a man named Ed Berlin who had left the firm by the time that I came. And Tony was married to Florence Roisman. It was the conversation between Tony and Florence that got me the job. Florence is currently a professor at Indiana University Law School and has been an important leader on housing issues for poor people and in poverty law, and is a very strong and effective advocate and very strong person. Tony had chosen to marry a strong woman and was comfortable around strong women. So it's not a great surprise that there were women in the law firm.

Ms. Feigin: Were there issues about what kind of cases to handle? Did you ever get approached by a client who wanted you to take a position that you felt was not in sync with your views and if so how did you handle that?

Ms. Harmon: When I came to the firm I wasn't in a position to be part of those conversations. We currently have policies along those lines. For example, most of us feel very strongly about women's reproductive freedom and we had a difficult decision about a group of progressive Catholics that was not going to challenge the church on its position on abortion. They were going to focus on the teachings of the church having to do with poor people. They were going to be relatively quiet on the issue of abortion but they were going to go along with it. We as a firm rejected them as a client.

A number of years ago I fired a client because of their views on immigration. We have over the years represented a large number of groups that are concerned about population which involves both environmental issues and women's reproductive freedom issues in different ways. We've represented Zero

Population Growth, which is now called The Population Connection, since before I came to the firm. Through that relationship and some other relationships I got a client which initially was seeking to make more reasonable the population policy of the government, feeling that some of the USAID programs just ended up in contraceptives sitting in a warehouse and not really making a difference. As the leadership of this group changed it became more and more anti-immigrant. I just decided I couldn't stand it and that I didn't want to be associated with a group that used that kind of language. So I called them up. I talked about it with my partners and all my partners agreed that the money certainly wasn't worth it after I showed them some documents. We didn't want to be involved with these people. And I called them up and fired them.

Ms. Feigin: I just want to get the time perspective straight. When was it when you started working at this firm?

Ms. Harmon: I started working at this firm in May of 1976.

Ms. Feigin: You are now the name partner, the lead partner in the firm, so it has evolved over time.

Ms. Harmon: Yes.

Ms. Feigin: Is the practice today basically what it was then and if not, why not?

Ms. Harmon: It has changed over time. I said that when I joined the firm there were some rocky financial situations. Then Gladys Kessler was appointed to the Superior Court by Jimmy Carter and she was the emotional glue that was holding the firm together. And the firm splintered. Karen Sheldon and I decided to try to keep it going. She's the lawyer who was particularly interested in wildlife cases. Tony

Roisman went to the National Resources Defense Council but agreed to spend a small amount of time with us and to have his name in the firm which we considered important. Both as a link to the past, to the history of the firm and also because he was well regarded as a public interest lawyer. And those times were very rough. We had a number of clients that continued with the firm. But Karen had a very, very hard time getting people to pay her to do the wildlife work and she hated the nuclear work and there was less of it. It was rocky. Gradually we added more people, things shifted. Currently, we do almost no plaintiff's employment work. We do a lot of advising of our nonprofit clients on employment work issues. The nuclear practice has continued. We have one partner who's been doing it for many years with greater or lesser success. It's a very difficult practice before an agency where you feel it's stacked against you and your only hope is on appeal to the courts. It's very fact intense. It's very expensive and you need lots of experts. It's a very difficult practice and she has persevered and won some very big cases and is doing well.

Ms. Feigin: This might be a good time to stop because I know there's lots of things you've changed and that will be an intensive discussion.

Ms. Harmon: Yes.

Ms. Feigin: Perhaps we should save that for next time unless there's something you want to add for this moment in time.

Ms. Harmon: No.

Ms. Feigin: Thank you very much.

Ms. Harmon: Thank you.

**ORAL HISTORY OF GAIL HARMON
SESSION FOUR
JUNE 15, 2010**

Ms. Feigin: This is the fourth oral history session with Gail Harmon for the Women Trailblazers in the Law Project for the ABA. It is June 15, 2010. We are in Gail's office in Washington, D.C. The interviewer is Judy Feigin. Good afternoon.

Ms. Harmon: Good afternoon, Judy.

Ms. Feigin: When we left off the firm was just beginning under you. You were starting to take a more active role. Could you tell us about your early years at the law firm?

Ms. Harmon: Yes, one of my first major clients was NARAL, The National Abortion Rights Action League which as many people would know is now the major national organization seeking to preserve the right to choose. When I started working with them in 1976, it was very small. It had recently moved from New York and it had a two or three person office. The woman who was the executive director at that time, Karen Mulhauser, is an enormously creative, resourceful, energetic person. She grew the organization. She luckily entered into a contract with one of the best direct mail fundraising firms at the time which was called Craver Matthews Smith. They managed to help her raise a tremendous amount of money through the mail. The issue was very salient for people at the time, people were very concerned about abortion rights. She,

working with them, managed to grow the organization into a powerhouse.

Ms. Feigin: Could you just put this into perspective and tell us what the world was like in terms of abortion in 1976?

Ms. Harmon: Yes. Roe v. Wade had been decided in 1973. Abortion was legal in all the states in some ways. The anti-abortion movement was starting to become very powerful. The abortion rights movement was not a broad-based citizens campaign. It was limited at the time to a number of ministers who had been active when abortion was illegal in helping young women get abortions and a small number of people who were involved in clinics. There was a group of supporters waiting to be tapped and they had not been tapped. One of Karen's geniuses was figuring out ways to reach this broader community of mostly young women but also older women and men who were strongly pro-choice but were not involved in the pro-choice movement in any organized way.

The first thing that I did for NARAL was to help them create a foundation because one of the early founders of NARAL, when it was based in New York, was an Episcopal minister who had some family money and she wanted to direct her charitable trust to NARAL and we needed to create a charitable organization to receive that. I quickly realized that they also needed a political committee. They were just a lobbying organization and they didn't have the extra punch of being able to engage in electoral activities. So Karen and I worked together creating a structure that gave them freedom to raise money from private foundations and also, as the membership grew

through the direct mail campaigns, the ability to raise political money and create a political action committee.

Ms. Feigin: Was this something that was unique at the time?

Ms. Harmon: It was very unusual at the time. Very few of the advocacy organizations in Washington had a political committee. It was a very unusual thing. As I said, the anti-abortion people were becoming quite strong. At that time I knew quite a bit about the federal election law and one of the projects that I convinced NARAL to undertake was to train people in the field. We had a number of affiliates of different levels of strength and sophistication, interested, committed people in many of the states. We trained them to identify the legal issues that might be significant for recording violations of the federal election law. One of the things that was important to us was to undercut the idea that the anti-choice people were really the moral people in this debate. We wanted to show that they were holier than thou and actually irresponsible zealots rather than careful, considered moral people. We worked with a number of volunteers in different states, particularly Iowa and Indiana where the anti-choice people were very strong and assembled a great deal of information and filed a number of complaints with the Federal Elections Commission. This newspaper article recounts the meeting that was held and the press conference that we held with Bob Packwood and others to announce the filing of the complaints.

Ms. Feigin: Let's just identify this. This is an article in *The New York Times* that is from May 1, 1979 and it's titled "For Pro Abortion Group an Aggressive New Campaign." So tell us how you got involved with Packwood and what this was. And we should identify who Packwood is.

Ms. Harmon: Packwood was a senator from Oregon. At that time in history there were a meaningful number of Republican pro-choice officeholders and he was one of the leaders. It was very important to try to maintain this issue, the issue of choice, as one that cut across political parties so that we could maximize the political power of the movement. Now, as I've been talking, I have probably made a mistake in that I haven't always used the word choice rather than abortion. One of the things I think that Karen is really credited with trying to change is the language so that instead of being pro- or anti-abortion, she was horrified that *The New York Times* article called it a pro-abortion group. People would use the term choice instead. She identified the importance of considering it a choice that women made and changing the vocabulary so that people referred to it as pro-choice and anti-choice. One of the complaints that was particularly noteworthy in the group of complaints that I filed was one regarding an organization called Massachusetts Citizens for Life.

Ms. Feigin: Just let me back up one minute. Was Packwood part of that?

Ms. Harmon: Packwood was a hero who was invited to participate in press conferences and other events to give a congressional leadership face to the pro-choice movement. And actually we were attacking groups which by and large were supporting Republican candidates for Congress and the Senate. Of the group of complaints the one that has turned out to be the most important legally is the one that was filed against Massachusetts Citizens for Life. It involved voter education materials and an exhortation to vote for pro-life candidates and photographs of pro-life candidates. The FEC agreed with us that it was a violation of the clear language of the Federal Election Campaign Act. They prosecuted the group and the group defended itself on the basis of the First Amendment free speech right. The case went all the way to the Supreme Court which in 1986 decided that the prohibition on corporate independent expenditures in political campaigns was unconstitutional as applied to ideological nonprofits that were not engaged in business and which received no corporate or union contributions. This was a very small group of ideological nonprofit cause-related organizations which under this ruling are now allowed, were then allowed, to engage in very powerful speech. I quite quickly saw that although we had lost the battle we had perhaps won the war because NARAL then transformed itself into what the FEC calls a qualified nonprofit corporation or we call them an MCFL corporation. NARAL started a very powerful program of independent expenditures because it was able to use not only the money in its political committee but also its basic treasury funds. Independent expenditures are communications that expressly advocate

the election or defeat of a clearly identified candidate. At that point the choice movement was such that it was our strong belief that we could really help candidates by telling the voters that they were pro or anti choice, even though many of the candidates were scared of the issue and didn't want to say that themselves. So NARAL then became a very powerful voice in elections.

Ms. Feigin: Let me just back up one minute. With litigation all the way up to the Supreme Court, were you personally involved in the litigation?

Ms. Harmon: No, I was not. I filed the complaint and then it was taken over by the Federal Elections Commission.

Ms. Feigin: You were a behind-the-scenes strategist?

Ms. Harmon: Yes, right.

Ms. Feigin: Is NARAL still a client?

Ms. Harmon: NARAL is still a client. Because I have so many clients and one of my partners is a long time pro-choice activist who's been very involved in clinic defense here in the Washington, D.C. area and other pro-choice activity, I gradually passed the NARAL work on to her. So Beth Kingsley does most of the work for NARAL now. Now NARAL of course has changed. It's become a larger organization. It has in-house counsel. So our role with NARAL is smaller than it was in the early days when it didn't have in-house counsel or when their in-house counsel was focused on litigation and state

laws attempting to limit the right to choose. We continue to do a substantial amount of the general counsel work for them.

Ms. Feigin: They are not the only group where you have been involved giving strategic advice and advocacy. Can you share with us some of the others?

Ms. Harmon: Yes. As I've said, I saw this MCFL eligibility to make independent expenditures as an extremely powerful tool. I encouraged two of our other major clients to adopt it. The League of Conservation Voters and Defenders of Wildlife Action Fund. Up to last year these organizations have been the only major progressive political organizations in the country engaging independent expenditures and they've been enormously effective. A few cycles ago Defenders decided that it would essentially bet the farm on trying to get rid of Richard Pombo who was a Representative from California who was head of the Natural Resources Committee in the House. They engaged in a huge independent expenditure campaign against him. Against all odds and the wisdom of all insiders they successfully defeated him. So it is an extraordinarily powerful tool.

Now what has happened just last year has really changed the landscape. In 2009 the Supreme Court came out with a decision in the Citizens United case which has now broadened the ability to use independent expenditures from just the ideological nonprofits who aren't engaged in business and don't have corporate and union money, to all corporations and all individuals. So suddenly the landscape has changed and there is the likelihood that we will

see the National Rifle Association and the Chamber of Commerce and other groups with misleading names like Americans for a Better Tomorrow or whatever, engaging in independent expenditures. The current battle and controversy is how much they will have to disclose about their contributors.

Ms. Feigin: Are you part of that battle?

Ms. Harmon: Yes, we're engaged in that right now and working with some members of Congress, hoping to strike the right balance between disclosure of large contributions and not having to disclose every teeny, weenie contribution. In the case of our clients that by and large are citizens organizations with a large number of members and contributors who give small amounts of money, it'd be incredibly burdensome and destructive for the small citizens groups to have to disclose every little contribution.

Ms. Feigin: I suspect some of the contributors might not be happy about it.

Ms. Harmon: That's exactly right. In most cases the way the law works is there has to be disclosure. To avoid disclosure one has to show a well-founded belief of some type of bad consequence, employment discrimination, harassment. But by and large that has not been successful.

Ms. Feigin: So you are involved in behind the scenes work with legislators. Is that a significant part of your practice now?

Ms. Harmon: No, it's not.

Ms. Feigin: Are there any other organizations or groups that you want to talk about in

terms of the advocacy role you play?

Ms. Harmon: The other activity in the advocacy area that I wanted to talk about, which has really become a specialty of mine, is advising charities about ways to expand their advocacy programs. In 1976, since the time I joined the firm, Congress added another subsection to the Internal Revenue Code that allowed charities to spend a greater amount of their money on lobbying than had been true in the past and it was hoped would create reasonable rules that people could understand. As you know, once a law is passed that's just the beginning. You need regulations that are consistent with the law and helpful and the message needs to be disseminated so that people can really use the regulations and any new opportunities that they have. I was actively involved in this battle for essentially 14 years. The IRS didn't want to write regulations. The first thing that happened was the Office of Management and Budget, which has in its jurisdiction rules governing advocacy by federal contractors, came out with some very restrictive rules that would really have limited the ability of organizations that have federal grants or contracts to lobby. I was part of a fairly broad-based campaign that worked very hard to get those turned around and they were successful with that. I was, frankly, the person who provided most of the technical expertise to other people who convened meetings and brought people along that didn't quite understand the subtleties of it. Then the IRS came out with a very restrictive draft of these regulations. I was part of a group that was convened by Independent Sector which is a major sort of trade association of charities to fight those regulations and convince the IRS to

write regulations that were more in line with the purposes of the statute and allowed charities greater opportunity to exercise their rights. The process was long and tedious and involved an enormous number of meetings and drafts and redrafts of proposed regulations but eventually we were able to come out with a very detailed and useful set of regulations that dramatically expanded the ability of the nonprofit community to advocate. We're never going to be on a level playing field with the business community because we never will have the same amount of resources. But we now have rules that allow us to use the resources that we have in a very active way.

Ms. Feigin: When you say eventually, when was eventually?

Ms. Harmon: I need to check but I think it was as late as 1990. Then the next test of course is after the regulations are written, one doesn't want them just to be the province of the few Washington lawyers who can noodle down in the subsections of the subsections. You want the information to go out to a broader range of people who can really take advantage of it. I worked with the Alliance for Justice which is an important national organization devoted to public interest law. We prepared the plain language guide which has become the bible for charitable organizations explaining the regulations in simple plain language terms and getting the information out to a broad range of people around the country.

Ms. Feigin: Do you want to tell us the name of the guide because I'm sure a lot of people will recognize it once you say it?

Ms. Harmon: The name is Being A Player which is a great name that Nan Aron actually came up with.

Ms. Feigin: We should say who Nan Aron is.

Ms. Harmon: Nan Aron is the long time head of the Alliance for Justice who is probably best known because of her advocacy on behalf of the selection and confirmation of progressive judges and justices. After writing the book I then did a number of trainings around the country with the staff of the Alliance for Justice on the book, the regulations, the opportunities, what people could do. That program continues to this day. One of my partners does training for the Alliance around the country which now includes election law as well as the tax law, and we've hired as one of our partners a man, John Pomeranz, who used to run the advocacy program within the Alliance for Justice.

One of my strengths has always been the ability to summarize complicated legal rules and then explain them to the lay public in a way which emphasizes opportunities rather than prohibitions. Most lawyers are trained to tell people the rules and the answers. What I've managed to do, because it was much more interesting than telling the rules, is to identify the opportunities and try to communicate those. That is a piece of Being A Player and of the training programs that we did and the other training programs that I've done for the nonprofit community over the years.

Ms. Feigin: This isn't the only book or booklet that you've written?

Ms. Harmon: No, I also wrote a book on list enhancement for the League of Conservation

Voters Education Fund.

Ms. Feigin: This is a perfect segue into what list enhancement is because that is an important part of your career.

Ms. Harmon: Yes.

Ms. Feigin: Can you tell us the name of the book and then what list enhancement is?

Ms. Harmon: Maximize Your Grassroots Power.

Ms. Feigin: Tell us what list enhancement is, for those who don't know.

Ms. Harmon: The nonprofit organizations have lists of members, contributors. We're talking about the era before email. And these organizations knew a certain amount about their membership but not enough. It was before powerful computers. These organizations knew where someone lived and what they had given in the last 12 or 18 months but they didn't know whether they voted, what political party they belonged to, they didn't immediately have the facility to see which congressional district they were in, let alone which precinct. They didn't know a lot about the person's other interests, memberships in other organizations. All of these factors that are enormously important if you want to reach out to someone. So what I was involved in with the League of Conservation Voters Education Fund was a program to enhance membership lists. It started out simply as matching the membership information against the voter file to determine how frequently people had voted and it was interesting to see the people who were committed environmentally frequently didn't vote. They were sort of disgusted with the

political process and didn't understand the importance of voting. Once you have matched all this information it's quite easy to sort it and see who were the four out of four voters, the two out of four voters, the zero out of four voters.

Ms. Feigin: Out of four elections.

Ms. Harmon: Out of four elections. And then you can use your resources to try to reach the two out of four since you think they're most likely to then become four out of four. Or the zero out of four if you decide that actually maybe you have an opportunity to move them up to at least two out of four. It's an enormously effective tool in allowing you to maximize voter participation.

Ms. Feigin: And you then would get this information and give it back to the organizations?

Ms. Harmon: The organizations would do that work. But what I did was drafting this book which was really quite controversial. Some other lawyers thought I was really going too far in saying what was permissible. But now everyone accepts that this was totally permissible and it provides the legal basis for other organizations undertaking this program, such as the state leagues associated with the League of Conservation Voters. We needed to give them a legal basis so that they felt comfortable in engaging in this program. And then rolling it out to a number of other organizations.

You suggested we might want to talk a moment about the Partnership Project. The Partnership Project is an interesting organization which was

created by Ted Turner back when he was a billionaire. Ted Turner is the man who founded CNN and he's also the largest private landowner in the United States and has been a committed environmentalist. When he was at the peak of his personal wealth his foundation was enormously active in encouraging environmental organizations to use lists in creative ways. He provided funds to an organization we established that was a consortium of all the major environmental membership organizations. The carrot he gave was I'll give you all this money if you will pool your lists because then you can learn who belongs to five organizations and therefore is probably more committed and who only belongs to one and that may show that they're kind of an outlier. Or, it may be that people need to reach out to them to make them more active. You can learn much more about them. You can use these combined lists in advocacy campaigns that are agreed to by the consortium. And in fact you'd get kicked out of the consortium if you don't allow your lists to be used for campaigns that are agreed to by a super majority of the consortium. It's a very interesting technique to offer these people the advantages of list enhancement paid for by somebody else but require them to get together and work cooperatively and collaboratively on advocacy campaigns. That organization has grown to be a very effective organization and it is currently the manager of the major campaign that is being run to try to get the United States Senate to pass the climate bill.

Ms. Feigin: What was your role with Ted Turner when this began?

Ms. Harmon: I was the lawyer who was right in the middle of it all and working with Ted

Turner's lawyers and representatives of the foundation to craft a structure that the membership organizations would feel comfortable with because their list is their most valuable commodity. The structure, in addition to protecting their lists, needed to encourage, if not require, the joint advocacy. So working on both the technical aspects of it and some of the political aspects of creating this organization.

Ms. Feigin: Did you work directly with Ted Turner at all?

Ms. Harmon: A little bit. Mostly with his lawyers and his accountants and a person he hired named Reid Detchon who was hired to be the principal staff liaison for them. He also gave a big grant to the League of Conservation Voters Education Fund to develop state affiliates and to do list enhancement on that level and to train the state affiliates. A number of the things that we wanted to do were activities which his more conservative lawyers were a little apprehensive about. So my role was in many cases to convince them that indeed these were legally appropriate activities.

Ms. Feigin: My understanding is that one of the things you were involved with is almost reshaping what the definition of an environmentalist is. By that I mean, how you shape the question -- whether you're more interested in the Alaskan Wilderness or the urban playground? Could you tell us a little bit about how that came to be?

Ms. Harmon: In several different ways. We did a very complicated series of public opinion polls around the country which for legal reasons we had to keep appropriate

for the charitable organization where Ted Turner's money went. These polls assess different messages and their effectiveness with different groups of people. One of the classic examples is the question of protecting the salmon which is a very important issue for environmentalists in the Northwest that resonates with only a very few people while if you talk about clean water, many people care about that and you actually protect the salmon. So the process was to do the poll, show that the most effective way to talk about some of these issues is the broader frame that reaches more people in their daily life and then educate the small, committed, determined environmental groups that they need to change the way they talk. That they needed to talk about things in a broader way. Another thing that was important was broadening the environmental conversation so that it wasn't just about the great outdoors but it was about public health, children's health, asthma, lung disease, the problems of toxic waste dumps that are primarily put in low income minority communities.

Ms. Feigin: Were there women's aspects to this too? Was some of it geared more to things people thought women might be concerned with, or was that not part of it?

Ms. Harmon: It by and large is part of it on a subtle level. It definitely is there. My friends and I talked about that but it was not explicit. The environmental movement is still by in large run by white guys. There are exceptions, but it was by and large run by a certain type of person. But the foot soldiers and the people who you meet are often women who are reached by messages related to children's

health and similar messages. So there was definitely in all the materials you would see an emphasis on women and children. That was the way to reach the broader number of people. But it was kind of behind the scenes.

Ms. Feigin: Is that still the crux of your practice, making political strategy in an advocacy world?

Ms. Harmon: That is certainly what is fun, that is the thing that I like the most. My practice includes a broad range of tax and election law work as well as some personnel work. What I was doing last night, was with this group that's trying to pass the climate bill. Trying to get on D.C. buses two ads, one of which is just hysterical. It is a picture of Sarah Palin looking bright-eyed and energetic with two thumbs up and on the other side a bird that has been killed by the oil and in the middle it says 'Spill Baby, Spill,' which for people who are hearing this in another era it's a reference to her line at the Republican convention and other places 'Drill Baby, Drill.'

Ms. Feigin: And we should say that the time of this interview is shortly after the huge BP oil spill in the Gulf of Mexico.

Ms. Harmon: Yes.

Ms. Feigin: And so what is the issue?

Ms. Harmon: The legal issue is the buses don't want to take it; they say it's slander.

Ms. Feigin: Is this a potential law suit or is this in negotiation?

Ms. Harmon: No, right now the people who are working with the company wanted a

lawyer's letter that sets forth the legal arguments as to why they could not be sued. And the principle is that these sorts of parody are clearly opinion and humor and are not governed by the laws related to defamation. Defamation concerns facts not opinions. And this is clearly not factual. No reasonable person would think this was a factual statement.

Ms. Feigin: Speaking of Sarah Palin, I suspect future generations will recognize the reference to the first woman vice presidential candidate on the Republican side. Are you active politically yourself? Is that a big part of your life?

Ms. Harmon: Not as active as I used to be but I continue to support Emily's List.

Ms. Feigin: Let's talk about that because you helped found Emily's List. So we should back up to that. But let's talk about how active you are politically and then get back to Emily's List.

Ms. Harmon: I'm fascinated by politics and interested in it. But I'm not really very active in it. I did some door-to-door work for Obama during his race. I love strategizing with my clients about it and following it closely and being involved in it that way. But I'm not either a huge donor or someone who devotes large amounts of time to it at this point.

Ms. Feigin: Emily's List is a huge political player so since you were there at the beginning can you tell us about it and we should define what Emily's List is for those who might not know the acronym.

Ms. Harmon: Emily's List is Early Money is Like Yeast. It is probably the major women's political organization in the country. It was created before any senator, any

woman senator, had won an election in her own right. There were women senators who had been appointed to their deceased husband's seat or run in their deceased husband's place and been successfully elected. There was no woman who had run successfully. Harriet Woods had run for Senate in Missouri and was defeated in a very disappointing race.

Ms. Feigin: When was this?

Ms. Harmon: 1982. Ellen Malcolm and Betsy Crone, who's a fundraiser who works with Ellen, and had worked for many women candidates and both of them previously worked with the National Women's Political Caucus, identified the problem that political donors give on the basis of successful poll numbers and whether someone has amassed a reasonable amount of money to run a good campaign. If you don't have the money, you can't get the money. And therefore women candidates needed early money to convince the political professionals in the big organizations like the labor unions and the national political party that they were viable candidates. So how can you do that? If a political committee like Emily's List could give \$5,000 to a candidate that's nothing in the realm of what we're talking about. That would not move the person from a possible candidate to a viable candidate in the eyes of the Democratic Congressional Campaign Committee or an institution like that. So what we developed was a program that's called bundling. Individuals would write checks for the individual candidates they wanted to support who had previously been vetted and endorsed by Emily's List. Emily's List would bundle them all together and provide them to the candidates. The first two

candidates that we supported were Barbara Mikulski and Harriet Woods. Barbara Mikulski was elected Senator from Maryland. She was the first woman to ever be elected Senator in her own right. Unfortunately Harriet Woods could not overcome the politics of Missouri. It was a very politically conservative place and she was defeated.

Ms. Feigin: There was no bundling before this?

Ms. Harmon: There was an organization called the Council for a Livable World which is an organization devoted to arms control. It was the only progressive organization that did any bundling. They did some bundling both for House and Senate candidates. Peace Pac I think is their House bundling entity. It's an organization that was known among liberal political insiders in Washington but has never been a huge force. We adopted that model and managed to build it into a huge organization. There's a famous story of the very beginning of Emily's List where many of us who were active in the women's community were invited to bring our ... it wasn't our PDAs [personal digital assistants]. It was maybe our rolodex or maybe our handwritten address books to Ellen Malcolm's basement where we all addressed letters to our friends and relatives. That was the first meeting. There were probably 20 of us who sat there and addressed letters to our friends and relatives asking for a contribution to Emily's List and a contribution to one or both of those two women candidates. And that started it.

Ms. Feigin: Are you still involved with Emily's List?

Ms. Harmon: A bit, yes. And it's become an enormously powerful organization. The year of greatest success was the election after the Clarence Thomas hearings in which Anita Hill was really vilified when she recounted stories about Clarence Thomas' behavior on the job. This energized a huge number of women and the greatest number of Democratic pro-choice women were elected to the Senate that year. Now, I should go back and explain that Emily's List had a definite ideological focus. It is only Democrats and only pro-choice. There have been some interesting stories in trying to get candidates to sign the documents that they will vote pro-choice when they are elected and what's happened when someone fudges on their commitment.

Ms. Feigin: Can you share some of those interesting stories?

Ms. Harmon: I think the most famous is Blanche Lincoln who is the Democratic senator from Arkansas who this year was almost defeated by the Lieutenant Governor from Arkansas, Joe Halter, who was challenging her on the left in the primary. There are a series of cases in which she has made commitments to vote a particular way and then reneged on those commitments. I think the first one that anyone knew about was the abortion vote on partial birth abortion many years ago. But that has been a characteristic that certainly that she's been accused of that. Let's leave it there.

Ms. Feigin: How does Emily's List handle this? You get a commitment beforehand and then you feel someone doesn't live up to it.

Ms. Harmon: The only thing you can do is you don't endorse them next time around.

Ms. Feigin: Will Emily's List support men who take a pro-choice position?

Ms. Harmon: It only supports women. It faces a very interesting problem. What if a pro-choice woman is running in a primary against a man who is an incumbent who is nominally pro-choice but not a leader at all? Should you jump into that race or not? Do you jump into the race only when it is a dramatic difference between the two candidates? These are the kinds of questions that we struggle with.

Ms. Feigin: Are you part of the group that resolves those issues?

Ms. Harmon: The structure has changed. For many years such decisions were made by a steering committee which kind of grew out of the women in the basement. But some people were not part of it and others were added to it. Then more recently that group has been superseded by a very small board and more authority has been turned over to the staff.

Ms. Feigin: As an early leader in such a prominent women's organization, you obviously have dealt with the leadership in the women's movement across the board and you must know a lot of these women and have worked with them I suspect.

Ms. Harmon: Yes.

Ms. Feigin: Can you give us a little insight into some of them, starting with Ellen Malcolm?

Ms. Harmon: Ellen Malcolm is an enormously generous and smart woman. She also, particularly in her younger years, was a very shy person. She had some

inherited wealth which no one knew about for many years. She worked at the staff of the National Women's Political Caucus and was just one of the small talented group of people who worked there and they were all friends and colleagues. No one knew that she was wealthy. Soon after that she decided that she really wanted to create a foundation but she wasn't comfortable with being public about it. She shared this with one friend who she hired to run the foundation. They were puzzling about how to identify it. They picked the name the Windom Fund because Ellen lived on Windom Place, a street in Washington, DC. They found a picture of an older woman in a yard sale and hung it up in the office and they pretended that this person was the donor. [LAUGHTER] For many years no one knew that Ellen was the donor of the Windom Fund.

Ms. Feigin: And was the Windom Fund the precursor to Emily's List?

Ms. Harmon: It was a charitable organization that supported women's organizations. It wasn't political. But it supported a broad range of progressive women's organizations.

Ms. Feigin: What brought Ellen Malcolm out of her shell?

Ms. Harmon: I think as she got older and got more self-confident, and as she perceived that things weren't changing enough. I think the first defeat of Harriet Woods was a great blow to those of us who were pro-choice political women and the first time she was defeated it was quite horrible, quite a disappointment. There were a few organizations that supported her but it was inadequate and I think

Ellen came to realize that something else had to be done. It was that time in her life when she was I think feeling she could do it. And she did.

Ms. Feigin: The list of women you must have interacted with is enormous but let's start right here in DC. Eleanor Holmes Norton I think is somebody you've been involved with?

Ms. Harmon: Yes.

Ms. Feigin: Tell us your involvement with her and a little bit about her as well.

Ms. Harmon: Eleanor is a current non-voting representative in the U.S. Congress. She is an African American woman of enormous intelligence and integrity who I was first involved with as the lawyer for her political campaign.

Ms. Feigin: And she was then running for what?

Ms. Harmon: She was running for Congress. I've been involved with that and as her treasurer because her then treasurer was tapped for a position on the Judicial Nominating Commission so they asked me to step in to replace her. I knew Eleanor before that because she was one of the initial board of a program at Georgetown Law School which is a post law school program for progressive women called The Revson Fellowship. It was initially called the Revson Fellowship. Now it's called the Women's Law and Public Policy Fellowship Program. Eleanor was one of the initial directors of that along with Judy Lichtman, Marcia Greenberger and Sue Ross who runs the program. Which brings me to Judy and Marcia. I've known Judy since almost certainly when I came to the law firm. She was running the Women's Legal Defense Fund at that time which now is known as the National Partnership for Women & Families. It is a large and important national organization but at that time it was an informal women's group. I remember board meetings where we were sitting on a mix of couches on the floor in sort of a frumpy office. The organization had been started by Brooksley Born who is a partner at Arnold & Porter, a leader in the women's movement and in this program. And Gladys Kessler and others.

Ms. Feigin: Gladys Kessler, now a judge.

Ms. Harmon: Now a federal district judge and a former partner of mine. Initially the Women's Legal Defense Fund focused on local issues and issues that local women face ranging from helping people change their name, return to their birth name rather than their husband's name, to providing for a wonderful

facility for women who had been the victims of domestic abuse, a safe house to which they could go. None of us even knew the address. It was that secret because you didn't want the husbands or partners to know the address and so the address was kept a great secret. The Women's Legal Defense Fund did a wide variety of such activity and Judy Lichtman, who was the initial president and now is the president emeritus, continues to be a major figure in the organization. She brought the organization from the fairly simple beginnings to a real power in national politics on behalf of women. She was a major player in the enactment of the Family Medical Leave Act. She and others have been major strategizers in confirmation hearings for various justices and judges. She continues to work actively on judges. They now focus more on health issues than in the past but also on pregnancy discrimination. Trying to have paid leave for family and health issues. The current Family Medical Leave Act guarantees a woman a certain amount of unpaid leave and the opportunity to return to her job. It applies to men and women but women are usually the people who take advantage of it. But clearly the need is to provide paid leave to allow people to take care of young children or relatives.

Ms. Feigin: Are you still involved in the organization?

Ms. Harmon: I was president from 1978 to 1982.

Ms. Feigin: What was your focus as president?

Ms. Harmon: One of the things was certainly to strengthen and formalize the organization which is known as My Sister's Place which was the house for the women who

had been abused and eventually spin it off into a freestanding nonprofit.

Ms. Feigin: And did you succeed in doing that?

Ms. Harmon: We succeeded in that, yes.

Ms. Feigin: And are you still involved with the group?

Ms. Harmon: No.

Ms. Feigin: Okay. That's probably enough for today unless there's something else you want to add to this?

Ms. Harmon: I think we should call it a day. And I will try to figure out more about the Women's Legal Defense Fund and maybe a couple of others.

Ms. Feigin: Thank you so much.

Ms. Harmon: Thank you.

**ORAL HISTORY OF GAIL HARMON
SESSION FIVE
JUNE 29, 2010**

Ms. Feigin: It's June 29, 2010. This is the fifth oral history session with Gail Harmon for the ABA Women Trailblazers in the Law project. The interview is taking place in Gail's office in Washington, D.C. and the interviewer is Judy Feigin. Good afternoon.

Ms. Harmon: Good afternoon.

Ms. Feigin: When we left off, we were talking about some of the leaders of the women's movement and your interaction with them. Obviously there are many you have dealt with, so if we could move on to Kate Michelman?

Ms. Harmon: Yes. Kate Michelman was the president of NARAL for many years and was enormously successful in doing a couple of very important things. The important thing that she did most dramatically was to put a human face on the question of whether or not to abort a pregnancy. There is a sort of split within the communications about abortion as to whether it is a legal right, a constitutional right and a rights analysis or whether the better way to defend abortion rights is to put a human face on it -- describe real stories of women who have made this difficult choice. Kate told her personal story again and again and again in a very effective way in public fora and also organized the presentation of other women's stories in ways that were very, very effective in communicating the complexity of the issue and softening the rhetoric.

Ms. Feigin: What is the rhetoric that needed to be softened?

Ms. Harmon: The rhetoric from some people tended to focus on rights - we won't give one inch. This is a legal right and that's the end of it. And there was a hesitancy to acknowledge the difficulty and complexity of the decision and tell the stories of different types of women who faced this problem in different ways. And through various programs, film, and collecting stories, which I believe is entitled *So Many Voices*, NARAL under Kate's leadership did an extraordinarily good job in softening the rhetoric and reaching this huge undecided middle. If you look at public opinion polls, there are a few people on each side of the issue who are quite clear in their views and will not change those views. And then there is a huge independent group and to be politically effective you have to reach the independent group. And Kate was one of the leaders, in fact the most pronounced leader, in reaching that independent group. Interesting that fairly recently, there was an op-ed article in the Outlook section of The Washington Post by Kate and Frances Kissling who was head of Catholics for Free Choice for several decades and is a serious thinker in the abortion rights movement. Kate and Frances wrote this article about the effectiveness of the communications of that era of reaching that huge group of undecided and bemoaning the fact that the financing was no longer available for these extensive communications and therefore the effort to protect abortion rights did weaken.

Ms. Feigin: Were you part of that work with Kate Michelman?

Ms. Harmon: Very much, very much.

Ms. Feigin: Tell us what you did.

Ms. Harmon: I was part of meetings, we worked on developing it, we worked on the strategy. Another thing that I would say about Kate was that she has a great deal of humanity. I remember very well one time when she had to fire quite a senior employee and she called me at home about it and was both so kind and so distressed about having to do it. This person's behavior left her no option other than to do it. But I've talked to many, many people who are faced with the difficult problem of firing a difficult employee and I was quite struck with the humanity that she brought to this difficult decision in addition to wanting to know what her legal rights were.

Ms. Feigin: Another important person in the movement who you have mentioned in passing but I know you've had a lot of dealings with is Judy Lichtman. So, if you could tell us a little bit about her and your work with her.

Ms. Harmon: Judy Lichtman was the first Executive Director of the Women's Legal Defense Fund which is now known as the National Partnership for Women and Family. And she has been a major player in the Washington's women's movement from the earlier 70's until now. She is no longer president of the National Partnership but she is constantly involved in their programs and is an enormously effective advocate. Judy will be doing her own oral history but I want to say one particular set of things because I saw that a large number of people did not understand her brilliance and so others fail to see her contribution. Often in large contentious meetings, she would be there with her needlepoint looking just like someone's really nice mother. And conversations would get tense and difficult issues would be discussed and finally, when

someone had to say something, Judy would be the one to say it usually in a very nice way showing no tension or anger in her voice. But saying the most important thing that had been said in the last hour. And one time there was a party in her honor and the then president of the Women's Legal Defense Fund stood up and started talking about how it was fun to talk to Judy and hear about her kids. All I could think is this lady's missed the point. She is the most strategic, careful participant in all of these meetings. And she is indeed an extraordinarily kind person, and loves her children, loves her family and is very kind to her friends. All that's real; it's not a charade. But in addition to that she has an incisive mind and when she has to say something difficult -- she doesn't like to say it because she's too nice a person -- but when she has to say something difficult, she says it.

Ms. Feigin: How did you interact with her? Were you of counsel to the group?

Ms. Harmon: I was chair of her board for many years, starting from when the organization had a fairly small staff and primarily provided legal services to women within the District of Columbia who were trying to change their name, deal with divorce, domestic violence. Many of the services were referral services rather than direct representation. And certainly there was a great deal of work on employment discrimination.

Ms. Feigin: Did you do that work?

Ms. Harmon: No. I worked with Judy on structural issues and development issues and how to use the board and how to position the organization, that kind of thing because I was the chair of the board. I wasn't a staff member. Then I've known her over

the years and the particular arena in which I watched her operate was various meetings of the pro-choice group which would include the women's legal organizations and NARAL and Catholics for Free Choice and all of those different advocacy organizations. That was a very important coalition, an uneasy coalition, which argued about strategy and the use of power.

Ms. Feigin: The politics of the women's movement is an important topic and I want to get to that in a minute, but let's just finish up if we can about leaders and behind-the-scenes people who have impacted the movement and who you have worked with. Gloria Steinem. Can you tell us about her and you?

Ms. Harmon: I mean everyone knows who Gloria Steinem is.

Ms. Feigin: Well, we know now but people down the road may not know her so let's tell them.

Ms. Harmon: Gloria was the founder of Ms. Magazine and an important writer and thinker and publicist of the women's movement. She was a great proponent of the Equal Rights Amendment and of women's right to choose abortion. She is a beautiful person which made her a very effective advocate on television and an enormously articulate person who could handle an interview on radio or television in a graceful and intelligent way. The way that I really knew her directly was with an organization called Voters for Choice which subsequently took over a client of mine, Friends of Family Planning, and I will talk a little bit about both of them. My story about Gloria that sticks in my mind is one of the board members of Voters for Choice was her college roommate I believe, whose name was Koryne Horbal who was a women's rights activist, I believe

from Minnesota in the northern Midwest. What I was struck by was to see Gloria's humanity. We were having this dinner meeting and Koryne, who had a little bit of a weight problem, announced that she was trying to go on a diet and Gloria was also going on a diet to support her. [Laughter] And you have to understand that Gloria was an incredibly beautiful, very slim woman who didn't need to lose an ounce. Here she was, just her plump friend's best friend, helping her out and it was so sweet. And in a conversation she was also, in a small group that would be a board of say 8 or 10 people, she was so kind and so gentle. She was never the public voice that could speak to a rally. She modulated her style in a lovely way.

Ms. Feigin: The other leader at the time of Gloria, and I think there was some tension there, was Betty Friedan. Did you interact with Betty Friedan as well?

Ms. Harmon: I did not really know her or interact with her at all. Let me tell you a tiny little bit about Stewart Mott and another organization that was trying to bring political muscle to the pro-choice movement. Stewart, who was an heir of the General Motors executive Charles Stewart Mott, and enormously personally wealthy, was an erratic activist. He saw that Planned Parenthood of course had a huge number of donors and board members who were affluent, respected in their community and pro-choice. He wanted to create a political committee that would appeal to these people to support pro-choice candidates and I represented this group which was called The Friends of Family Planning. We had enormous difficulty in trying to convince Planned Parenthood that it was legally appropriate and in their organizational interest to help this organization by

letting us rent lists and receive other support for which we would pay fair market value but which would really develop this program. As we were struggling with these things, Stewart Mott announced that I was the “can-do-lawyer.” [LAUGHTER] Stewart then got a little diverted into other things and frustrated because Planned Parenthood was so loath to share the valuable names with us. Finally, the organization was merged into Voters for Choice. Voters for Choice continued for probably about a decade after that as a force, not a huge force, but a force in the pro-choice movement. And one of the things that Voters for Choice did which really drew on Gloria’s strength as a writer was to produce a book that gave pro-choice candidates good ways to talk about the issue which has always been a difficult issue for people to talk about. She helped develop this document that was very effective in allowing candidates to be forcefully pro-choice without alienating voters.

Ms. Feigin: You’ve mentioned Stewart Mott and you mentioned Ted Turner. I think it’s important that we know that men were also involved in this movement. Are there any other men you think we should discuss at this point?

Ms. Harmon: There was Larry Lader who was an abortion rights advocate on Long Island and who brought a very interesting lawsuit trying to force the IRS to revoke the tax exemption of the Catholic Church on the ground that it intervened in political campaigns. He had assembled a lot of documents showing priests endorsing candidates from the pulpit and things like that. Ramsey Clark I believe, who was a former Attorney General of the United States under LBJ, was involved in the case. It was dismissed, I believe, on standing grounds. It never got

anywhere. It was called ARM (for Abortion Rights Mobilization) vs. United States. And he was an interesting, committed long-time pro-choice advocate.

Ms. Feigin: Were you involved with his work in any way?

Ms. Harmon: I was involved with getting him some documents and evaluating the strategy from some of the legal filings.

Ms. Feigin: You've alluded in this session to some of the politics of the women's movement, that it wasn't necessarily always a monolith. Would you like to elaborate a little bit on that?

Ms. Harmon: There's one particular story that I thought I would talk about. Which was a story about a woman named Karen Mulhauser, who I mentioned earlier who was the first Executive Director of NARAL and really built NARAL from a tiny organization to a powerful pro-choice advocate. As the organization prospered there became a very serious debate about where to spend its resources, and whether there should be an emphasis on grassroots organizing or the money should be spent on television media. And Karen and her staff members were on the side of grassroots organizing and some of her board members were on the side of media campaign. And without evaluating those two strategies, the relationship between Karen and the Board became increasingly fractured, as the debate became heightened and the Board felt that she was not following their directions in the way that they wanted them followed. And finally, there was a contested election for the Board that was very, very nasty and Karen was almost fired. Several board members and staff members and I succeeded in convincing the Board that the alleged

transgressions were both not serious and not Karen's fault. But things did not get better. At the end, there was a brutal Board meeting that I did not go to where she was fired peremptorily and attacked personally for several hours. The saddest thing that she said afterwards was that she . . . all of us knew that she had been brutally raped in her home a few years before by some intruders. And she said that her firing by the NARAL Board was worse than that rape.

Ms. Feigin: Before she was fired and after she was fired, you remained as counsel to the organization?

Ms. Harmon: Yes. I told her I couldn't represent her. She and another person, who was considered central, had their own lawyers. And I didn't go to the Board meeting. I didn't deal with it at all. She was a friend of mine, I couldn't be part of it in any way. She and I and the other woman continued to be close friends. Many years later, fifteen years later perhaps, her husband was in a terrible car accident and Kay and I were the people who went to the hospital with Karen.

Ms. Feigin: Kay?

Ms. Harmon: Kay being the First Deputy Director who was the other person who was the object of the extraordinary anger and who was fired at the same meeting.

Ms. Feigin: Unless you want to discuss any other political things now, why don't we move on to some of the lawsuits that you have been involved in. We have discussed a lot of your behind the scenes work and I know you've been involved in some intriguing lawsuits.

Ms. Harmon: The one I thought I would talk about involved the Women's Medical Center which was an abortion client here in Washington, D.C. I got an intriguing

telephone call from someone who said that she wanted to get rid of her Board and she knew I knew a lot about non-profit organizations and could she come and talk to me.

So she came and talked to me and described how the organization was being run into the ground and would not be able to survive financially. She believed that the president of the organization, she was the Executive Director, that the president of the organization who owned a lab, was not doing the appropriate laboratory analysis on the pap smears. And that he was just giving people answers and not doing the analysis, which was pretty frightening. And she said that the former Executive Director had evidence that the current president had been in jail, which was pretty amazing and intriguing. I called my friend Frances Kissling, who was the Executive Director of Catholics for Free Choice as I mentioned, and who'd been a long time abortion rights advocate. I called her and I said, Frances, have you ever heard of Bernie Halbert? And she said "Oh yes. My mother worked in his first clinic in Queens."

Ms. Feigin: That's New York?

Ms. Harmon: That's New York. "And I'm the only person in Washington who knows he was in the federal penitentiary." And I said "Wow, you just confirmed everything this woman said." And then, through a Lexis search, I managed to get the pre-sentence report. First, I got some piece of a reported opinion on this case which had sent him to the penitentiary, which involved Medicaid fraud with strep throat tests. He was not doing the test. And of course, strep throat can become a very serious disease and be associated with rheumatic heart disease if it is not

treated properly. It's not just a sore throat for kids. It can have life threatening medical consequences if the laboratory doesn't do the appropriate analysis to determine that strep is present. And in looking at the case, I saw the name of the Assistant AG [Attorney General] who prosecuted it. So I contacted him. And he remembered the case well and continued to be irate that Halbert had not had a sentence that was longer and got me the pre-sentence report. So we had an extraordinary amount of information on his background. But what to do about this? Because he controlled the Board; she was the Executive Director. He could just fire her, she'd be out on the street and he'd go on. He'd hire someone else to come in and run it and it would go on the same way. And I knew there was one case in the District of Columbia where someone had had standing to challenge the Board's failure to exercise its fiduciary duties. So I found the lawyer who had brought that case and went over and chatted with him and asked him to be co-counsel with us to see what we could do to get rid of this board. At this time, our firm was very small. There were probably four lawyers and we really would be unable to undertake it entirely by ourselves.

Ms. Feigin: I know you have a meeting that is scheduled shortly. This sounds like an intriguing and complex story. So, why don't we just leave it here and pick up at this point next time.

Ms. Harmon: Good.

Ms. Feigin: Thank you so much.

Ms. Harmon: Thank you.

**ORAL HISTORY OF GAIL HARMON
SESSION SIX
JULY 29, 2010**

Ms. Feigin: It's July 29, 2010. This is the sixth oral history session with Gail Harmon for the ABA Women Trailblazers in the Law project. The interview is taking place in Gail's office in Washington, D.C. and the interviewer is Judy Feigin. Good afternoon.

Ms. Harmon: Good afternoon.

Ms. Feigin: When we left off, we were talking about the case involving the Board and the doctor who had not performed strep tests. So if we could continue and tell us what happened.

Ms. Harmon: Yes. The step tests were part of his Medicaid conviction. My client was focusing on pap smears. She believed he was throwing the pap smears up in the air and saying "Heads you have a bad pap smear, tails you don't." That's what he was telling patients.

Ms. Feigin: He was an MD?

Ms. Harmon: He was not an MD. He had a board that included his buddies. We were never really able to implicate them in a serious way, but we knew about a variety of financial transactions and arrangements between them. We felt we had sufficient grounds to try to remove this board because it was violating their fiduciary duty of board members and also violating different D.C. statutes with regard to the practice of medicine because this was an abortion clinic. This is an organization that employed physicians to do very important medical

procedures. We brought a case in the D.C. Superior Court and on the basis of the evidence that we were able to provide we succeeded in having the entire board removed and having the judge appoint a number of people who are well respected in the community and knowledgeable about medical affairs who became the new board and ran the organization. It was I think the only time in the District of Columbia that anyone had succeeded in removing an entire board for the violation of fiduciary duty.

Ms. Feigin: What happened to him? Was he still affiliated with the organization in any way?

Ms. Harmon: No. He wasn't a board member. The new board certainly wouldn't contract with his laboratories. His laboratories had been found to be fraudulent. So we were able to clean up this important provider of medical services in the reproductive health area for women in the District of Columbia and I'm very proud of that.

Ms. Feigin: Obviously so much of your career has been involved with women's issues. Many women have a support group that helps them through all this and I wonder if you do.

Ms. Harmon: Yes, and I've had several different ones over the years at different times. The one to which I am closest at this moment is a number of friends who I met through the League of Conservation Voters. Several of them continue to be clients of mine or work for clients of mine, and others are just friends who I'm just delighted to see. At one point all of us went out to Longview, Washington, to the house of one of the members of the group and we had a wonderful long

week in the country hiking around, cooking great meals and just being together. We get together on an irregular but frequent basis and take care of each other. The most dramatic thing that I did for one of those people, she's had serious back pain for a number of years and all of us have been worried about her and followed her visits with different doctors that were unsuccessful. About two and a half months ago I was talking to her and I said this just can't go on. My husband has several people at Hopkins who he thinks really, really highly of and you've got to get a second opinion. She did it quickly which I was glad of. The doctor said you've got to get an operation right away. Every time you walk you're hurting yourself. She went back to another doctor in D.C. who said exactly the same thing. She immediately had surgery which has been very, very successful. She's recovering from it now and the recovery process isn't always easy. But she is painfree now which is just wonderful.

Ms. Feigin: Are these women all lawyers?

Ms. Harmon: No. They are not lawyers. They are policy people and political consultants and fundraisers. So we technically come from different backgrounds; yes, that would describe the group. Another example is one of the people had a very serious medical problem and broke her knee cap and then had a blood clot. A terrible problem. She was far away in Denver, outside of Denver. So it wasn't like you could drop over and bring her a casserole. A variety of us did things to help her out. I went out there and helped her with unpacking. She'd just moved to this new city. Another member of the group sent her the most thoughtful book that she was so pleased with and it showed a great deal of human

perception to pick exactly the right book for her at this moment. Other people called and sent cards and were in touch.

Ms. Feigin: So this is a far flung group?

Ms. Harmon: This is a far flung group, yes.

Ms. Feigin: It can't be that easy to get together.

Ms. Harmon: No, it is not easy to get together but if one of them comes into town then that often is the trigger. But even if that's not happening for some period of time all the DC-based people will get together.

Ms. Feigin: In this context you mentioned your husband. Can you tell us a little bit about your family? We last left your husband in medical school.

Ms. Harmon: Yes.

Ms. Feigin: And your children as well. We'd like to hear about them.

Ms. Harmon: My husband's career is the reason that I'm in Washington and do the kind of work I do. He had something during the Vietnam War that was called the Berry Plan which was a deferment for physicians to complete their residency program. Being a surgeon, his residency program took forever. The Vietnam War was over and he kept writing the Army letters saying you don't need me, the war is over. Haven't you read the newspapers?

Ms. Feigin: [LAUGHTER]

Ms. Harmon: And they said a deal is a deal. So he came to Walter Reed to do research and I came to Washington. He picked Walter Reed both because he was interested in research but he knew that I would be happy in Washington. He's a surgeon. He continues to do research. He's done research on wound healing in a variety

of contexts starting out with ulcers when ulcers were a serious problem throughout American society and particularly for servicemen and women with stress-related ulcers. In addition, wounds create ulcers, an ulcer in the tummy or an ulcer on the surface of the skin; they are both biologically similar. He now does research particularly in wound healing and has done some very interesting things with genetic material. It's beyond the scope of this interview but it's very interesting. He now works at Johns Hopkins. He stayed in the Army for ten years and then when the Army bureaucracy became too much and there wasn't enough interest in his research or in patient care he moved to the Veterans Administration. The Veterans hospital here and a few other places are university affiliated hospitals with substantial research programs in addition to patient care. That met his interests and he was there for ten years and then had an opportunity to go to Johns Hopkins where he's a professor.

We have two children, a boy and girl. Our son, Jamie, is now 39. He currently works in the investment business, but I think what I'd like to talk about is his political interests when he was younger. He really followed in my footsteps quite a bit in terms of his interest in public interest activities and worked for Ralph Nader doing this and that. When he was eight years old or ten years old he was opening envelopes and teaching one of Nader's closest associates how to work on his computer. [LAUGHTER] The man, who is named John Richards, has always been very nice in saying "How is your son? He was able to show me how to work the computer without being a know-it-all." He did a variety of like-minded things and then in college became very

interested in Democratic politics. He was involved in the Harvard College Democrats and then became president of the College Democrats of America in Clinton's '92 campaign and took essentially a year off from college to work on that campaign which was enormously exciting for him. You may remember that youth voting had always been a problem. The number of youth voting has been, or before that date was, a percentage lower than the percentage of other age groups. Clinton of course was a charismatic politician who appealed to many young people. The College Democrats also were very, very active along with groups that they worked collaboratively with like Rock the Vote and others. The percentage of youth vote was raised substantially in the '92 campaign. Now one wonderful anecdote about me and Jamie at that time. Jamie was asked to be on Larry King Live with the head of the College Republicans.

Ms. Feigin: We should just say for down the road that that's a television talk show on CNN.

Ms. Harmon: Yes, which at that time was very, very popular. It was quite exciting that Jamie was going to be on television. Larry King asked kind of the obvious questions of these two young 20-somethings. "Tell me about how you got interested in politics and tell us a little bit about your family." The Republican started saying that his family had actually historically been sort of blue collar Democrats but he'd seen the light and understood that a conservative Republican Party was the only way to go. Then he turned to Jamie and Jamie said "like a lot of young people I got my political values from my mother. That's where I learned to be pro-choice and pro-environment."

Ms. Feigin: How wonderful!

Ms. Harmon: Wasn't that great?

Ms. Feigin: And your daughter?

Ms. Harmon: My daughter, who is named Eve Bould, is currently raising two little children who are two and four in Marseilles, living in France where her husband has been assigned.

Ms. Feigin: Assigned by whom?

Ms. Harmon: Assigned by the Naval Criminal Investigative Service which is a civilian investigative branch of the Navy. It was moved from within the Navy and made more autonomous after the Tailhook scandal, which was a sexual harassment scandal, I believe in Las Vegas. Eve has always been interested in socially responsible business. She majored in economics in college and then had several different jobs and went to Harvard Business School and started a group on socially responsible business interests of the students and brought professors and speakers from the business world and had colloquia on that subject. There is one large program and I cannot remember the precise name of it, I can get it. An annual program where business leaders of that sector of the business world talk and get together and there is one business student who competes for the honor of attending. Eve applied, wrote a paper and was accepted. In the program, in the list, it went Eve Bould, Warren Buffett.

[LAUGHTER]

Ms. Feigin: She had top billing! [LAUGHTER]

Ms. Harmon: She had top billing. In the elevator at that meeting she found herself with the

CEO of Patagonia and she cleared her throat and summoned up her courage and asked him for a job. So after business school she went to work for Patagonia which is, as you may know, an outdoor clothing company with tremendous environmental values and social values. She worked there for a number of years and then with the birth of her second child it was just impossible for her to continue to work there. One reason that she picked Patagonia was its very progressive attitude towards work place benefits for its employees. They had an onsite daycare center which she was able to take advantage of with her first child. This was a wonderful community institution. It served everyone within the company on a subsidized basis and a few people from the outside without a subsidy. It was right on the grounds of the company so that if you were nursing you could go down, nurse the child, and go back to your desk. The whole company was quite a wonderful place to be.

Ms. Feigin: Are they in Marseilles for long-term?

Ms. Harmon: Hopefully not. They would like to be there only for another year but I think it more likely will be two years. She has not worked while she's been there both because of the two young children and also because she can't really get a work permit, though when both are in school she may figure out something that she can do that doesn't require a work permit; she's got to investigate it. When she comes back she will work probably either for a socially responsible business or for a large nonprofit. She spent one summer between her first and second year in business school working for the Nature Conservancy and might want to go back to that.

I do have a funny story while she was at Patagonia. Patagonia is a privately owned company. It is owned exclusively by its founder and his wife, so they can make a lot of decisions. Mrs. Chouinard was particularly concerned about environmental politics and the presidential race and was getting very conservative and I think inappropriate advice from a lawyer in a firm that represented the Republican National Committee among others. The CEO and Eve would call me for advice and it sort of became the mom test.

[LAUGHTER.] If I said it would work then they would go back and argue with their in-house General Counsel and generally be able to do it.

Ms. Feigin: In terms of work plans what is the future for you? Do you see yourself staying with the firm for a long time? Retiring?

Ms. Harmon: One thing I have been working on recently is really interesting and could be important. Just like the NARAL complaints we talked about, it fits perfectly into my niche of technical expertise plus passion for digging up dirt on the far right.

The U.S. Chamber of Commerce is a huge force for very conservative lobbying and political activity. More and more it is beholden to a few major corporations who provide most of its funding in order to assure that it lobbies for their narrow interests. A classic example is AIG, the huge insurance company which was a major player in the recent financial catastrophe.

Colleagues at U.S. Chamber Watch asked me to research and evaluate some very technical federal tax issues which have now exploded into a big story in *The New York Times*. We have been able to document funding from the Starr

Foundation, which was created by the founder of AIG, to the Chamber's charitable affiliate which then went illegally straight to the Chamber for its advocacy and electoral work. We filed a complaint with the IRS asking them to audit the Starr Foundation, the National Chamber Foundation and the Chamber itself, to impose penalties on the organizations and some of the officers and to revoke the 501(c)(3) status of the Chamber's 501(c)(3). We're hoping to generate some public outcry about this to help discredit the Chamber as they pour huge amounts of money into the 2010 elections.

But, I'm 67 years old and so I'm certainly not going to stay here forever. I have worked part time for quite a while off and on.

Ms. Feigin: What does that mean part time?

Ms. Harmon: What that means at different points it's been sort of four-fifths time. What it means now is that I come in every day but I come in late. Sometimes I stay late. Right now when there are two darling children at home I try and leave early. But of course I'm thinking about the next decade and one of the things I've been exploring is whether I would be interested in serving on nonprofit boards. Nonprofits and the way that they work has of course been a central interest of mine over the years but I haven't had the time to devote a lot of energy to nonprofit boards and as an ethical matter don't feel I can serve on the boards of my clients. So my opportunities have been more limited. Right now I'm on two boards that are very interesting and very important. One is St. Mary's College of Maryland and another is an organization known as PSI.

St. Mary's College of Maryland is the flagship liberal arts college within

the state college system. It is sort of a hybrid of a state college with state financing but with an independent board of trustees. We're not under the Regents and people from out of state are attracted to it because it's a fine liberal arts college. It also has an excellent sailing program that attracts certain students who are interested in that. It's in a beautiful part of southern Maryland adjacent to historic St. Mary's city which was a city built by the first settlers in Maryland in 1654 but is very remote. The decision to go there requires someone wanting to be immersed in the college world and not be part of an urban community. In the last year and a half we on the board have been engaged in a search for a new president and then a search for vice president for development. This has been enormously time consuming and fraught with controversy and very difficult but we have ended up with two wonderful choices. The college is really poised to enter a new era.

Ms. Feigin: How did you come to be involved with St. Mary's?

Ms. Harmon: We have a vacation property down near there. We've always been interested in the college and attended summer concerts which they have, which are big free concerts open to the entire community. When I say big I mean big. Last 4th of July there were 10,000 people there on a huge lawn between dormitories. Usually, thankfully, it's a smaller crowd, it's about 2,500. It's a major community event on a Friday night with some very good music. The music program in the college is an award winning music program. The college also has a campus and a music festival in Alva, Italy which is a small town in the Piedmont.

Ms. Feigin: Tell us a little bit about PSI.

Ms. Harmon: PSI is a major public health organization. It is huge right now; our budget is in excess of \$600 million and we operate in more than 60 countries. It started out primarily as an organization concerned with reproductive freedom and population and the name used to be Population Services International. We have sold sell a billion condoms but we also have distributed 100 million insect-treated malaria nets. We're now involved in a much broader range of public health programs. We are primarily funded by USAID and similar institutions in other countries, Britain, Germany, the Netherlands primarily. The U.S. government reduced its interest in family planning under more conservative administrations but condoms are also one of the better ways to protect oneself from AIDs transmission so we were able to continue a certain number of the condom programs under that heading. We also do a lot of behavior change communications both with regard to issues like multiple concurrent sexual partners and certain basic hygiene practices like hand washing. This is an enormously important organization. If I were to contrast the two, in St. Mary's in the last three years we've dealt a lot with some internal board politics, some of which has been very divisive and taken a great deal of care to try and navigate. In PSI we have never had those kinds of internal problems. We've had, with different levels of concern, continuing concern about attacks from the far right because of the provision of different reproductive health services. That's been the particular concern as well as management issues which are fascinating. The idea of trying to manage the finances of a program that

operates in 60 countries with 60 different currencies needless to say poses incredibly complex issues which are way beyond the technical.

I should take a bit to explain the way that PSI operates. It's a so-called social marketing organization. The professional staff is made up primarily of marketers and the concept initially was to use local commercial channels to distribute public health products on a subsidized basis. The idea being that if you give something away for free in mass distribution programs you can't be sure people will use them. But if you get a product into the local economy in the tiny store in the African village that sells a little bit of cooking oil, a little bit of sugar and salt, a little aspirin, then you're part of the community and you're part of the distribution chain and if someone pays a penny for something in an economy where a penny is important, they're going to use it. Now that thesis is something that we've evaluated and in some contexts we go beyond that and distribute free products because, for example, insecticide-treated bed nets. It's important to saturate a community with the bed nets. But the concept of using marketing principles to accomplish public health aims continues to be an overriding modus operandi of the organization. Now one interesting thing that we have played a major role in developing, we didn't pioneer, but we played a major role in developing and we use probably more than any other organization is something called DALY which is disability adjusted life years. It's a complicated measure that allows one to compare the efficacy of different public health interventions so you can figure out how much benefit you get out of oral rehydration solution versus an insecticide-treated bed net versus one condom or

200 condoms versus male circumcision, etc. So being on that board and executive committee is an enormously interesting experience for me. I think I help make a contribution as well as have had my experiences broadened. In November I'm planning to be part of a board trip to go to Vietnam and Cambodia and see our programs up close.

Ms. Feigin: What percentage of your time is involved? These both sound like they might be substantial.

Ms. Harmon: St. Mary's takes me half a day to a day a week. It has. Between the numbers of meetings and the numbers of behind the scene telephone calls. I'm very close to the incoming chair of the board and she and I talk a great deal. I am hopeful that I'll be able to reduce that to more like a quarter of a day a week. But it takes a substantial amount of time. PSI doesn't take as much time but it's a material amount of time.

Ms. Feigin: You've played an influential role in lots of different ways, the boards being just one of them. I wonder if you could articulate for us how you see the impact of what you've done. The charities and politics and what you think has changed because of the work you've done or been influenced by it?

Ms. Harmon: Sure. This is a nice way to try to pull together some of the different professional activities we've talked about. When I started practicing law charities were not part of the political process. There was of course, and there continues to be, a provision in the law that a charity can't endorse or contribute to a political candidate. But the restriction was read very conservatively by very conservative lawyers who were not really interested in pushing the

envelope. I certainly can't take individual credit for all of the movement that's happened within the charitable community but I think I've been an important part of the process. The charitable community or the nonprofit community clearly does not have the money of the business interests that lobby the federal and state governments and support political candidates, but what has been the real change is that charities and other nonprofits have figured out legal ways to demonstrate the depth and breadth of their public support which then they can use to influence the decision making of the elected officials.

One particular program that we were engaged in that I think was very successful along that line was a large polling program that we did for the League of Conservation Voters Education Fund which we talked about earlier. In that polling program we talked about ways that nonprofits should frame issues. I think we talked about that earlier. But we also talked about how people felt about this issue, the strength of their beliefs and whether it would affect their voting decision. We couldn't say "will you vote for Senator X or Senator Y" but we could say "if a hypothetical candidate votes a certain way, does that make you more or less likely to support them?" We got some very dramatic results which we then shared with all the members of Congress, all the members of the relevant state legislature and of course we put it on the web because this is really critical information for everyone to know. We wanted all the elected officials and all the candidates to know that there is a tremendous constituency out there for a variety of important issues. Even though there were lobbyists in their office telling them to vote against that, there were more people

in their communities saying we'll support you if you vote for it. So that was very, very important.

Another thing that I was very active in and that now is being done more and more is efforts to frame the public debate in an election season so that for example right now we've had a very discouraging failure in the Senate to take up the climate bill. This will be part of the public debate because House members voted on this issue and some House members who won narrowly in the past took what were hard votes in favor of that legislation. But it is also possible to get away from the individual legislator and the individual votes and talk about the importance of the issue and use the political interest in the issue to focus people's attention on it and get candidates to say how they will vote and get challengers more engaged in discussing the issue. People are also doing that on immigration at this time because immigration is another issue that's stalled and deserves more public discussion. Using the election season to focus people's attention on this important issue is a way to convince candidates that there is public support out there and that they can change their views. Then of course the ability of C4 organizations to engage in express advocacy, as we've talked about in the past. The MCFL organization, the Massachusetts Citizens for Life organizations, have been able to be much more direct in tying issues to support of candidates. If you do it once and do it successfully then candidates will listen to you in the future.

Ms. Feigin: Speaking of listening to you in the future, perhaps we can end today's session with any thoughts you have for young people, women in particular, but young

people in general starting a career in law. It's a different world than when you started and what would you advise?

Ms. Harmon: Big law firms are huge and they are very different institutions than when I joined what was then considered a big law firm in Boston and had 35 or so lawyers. Now young people can get pigeonholed. We hear a lot about the tremendous pressure to bill time and the number of hours that success at a law firm requires. But I am struck by another factor which is the problem of being pigeonholed. Occasionally when I need expert advice on an obscure issue one of my clients is confronting, I'll call a colleague or friend and end up talking to someone who spends his or her entire life on a subsection of a subsection of a subsection. It's awful. My advice to anyone starting to work as a lawyer in this era is to figure out a way to have freedom from that. To figure out a way to either join an institution or the government or a practice where you can have a breadth of experience and a sense of personal freedom. The saddest thing is the number of lawyers at age 40, 50 or 60 who feel that their careers have been wasted and that they have done incredibly boring things day after day after day. My advice is not a particular way to find it but to strive to find something which gives you a sense of freedom and excitement and allows you not to be pigeonholed into a very, very narrow practice area.

Ms. Feigin: Thank you for your advice, for sharing your life with us and your career with us and I wish you every success in the challenges that are still in front of you.

Ms. Harmon: Thank you Judy. Thank you very much for your courtesy and your kindness during these interviews and your perceptive questions. I have enjoyed it

enormously. I want to thank you very much for this.

Ms. Feigin: My pleasure.